

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (TPO)

REF NO: R/278/17/T

LOCATION: 8 Elm Farm Cottages
Old Manor Road
Rustington
BN16 3FD

PROPOSAL: Crown reduction to 1No. Apple tree and 1No. Pear tree by 1m. Crown reduction to 1No. Apple tree by 1m with all branches cut back to smaller branches no less than 1/3 the size and crown lift by 2m of branches under 3cm diameter.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees are located in the front and rear garden of the property.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

R/151/10/T	Fell 1 no. Rowan tree and cut back 1 no. Bay tree by approximately 2metres (70%)	ApproveConditionally 31-08-10
R/274/08/TC	Various surgery to 2no. Pear trees & 2no. Apple trees (Within the Rustington Conservation Area) (Extended)	No Objection 07-01-09

Relevant planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council
No representation from nearby occupiers.
Parish Council provided no objection
Conservation Area Advisory Committee provided no response

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

Rear garden trees are of relatively low amenity value, being of small stature and only visible from neighbouring cul-de-sac and private rear gardens with some difficulty. Works proposed will only partially achieve the aims stated in the arboricultural statement (reasons given).

Communal garden apple tree is a focal point for residents and provides some well aged character within the context of recent development of the surrounding built environment. It has received substantive pruning in the past, primarily the removal of low limbs and branches- consequently the bulk of its foliage bearing crown exists at height. Works proposed will only partially achieve the aims stated in the arboricultural statement (reasons given).

Conclusions

The aforementioned trees in the rear garden are of limited value in the context of their surroundings and local established tree cover. While the works proposed is not an ideal outcome for them, I see no reason to object to what is well intentioned management that will not incur a notable loss of amenity.

The applicant and arboriculturalist have put forward a reasonable if not entirely ideal proposal for the management of these trees, however some guidance of 'fruit tree management' will hopefully inform their decision making and assist with achieving their stated aims. This is especially relevant with regard to the mature communal garden tree.

Advisory:

Advice on pruning apple and pears tree (Royal Horticultural Society)

When to prune? - Prune your apple or pear tree in winter, when the leaves are off the tree

Five tips to pruning apples and pears

1.How much do I prune off?

Aim to take between 10-20% of the overall canopy off in any one winter. Work around the tree evenly and keep an eye on your pruning pile - if it's looking a little big, STOP - you can always go back next year and do some more.

A little word of warning: The more you prune, the stronger the regrowth (if the tree is healthy). If you have pruned too hard, your tree is likely to produce vigorous upright branches called watershoots. This isn't ideal as they crowd the crown. Watershoots growing in a convenient place - e.g. filling a gap - can be pruned by about third to encourage branching. Otherwise, remove watershoots from their point of origin.

2.What am I trying to achieve?

Your aim is to take out a bit of old wood each winter, to stimulate new. But the majority of the fruiting wood should be quite young - one to four years old, which is the wood that fruits best. Also aim to create an open centre to your tree. This allows more light into the canopy to ripen the shoots and fruit. Improved air movement discourages diseases.

3.Avoid a 'hair cut'

Try to stagger your pruning cuts throughout the canopy. That way, the regrowth too will be even. If you only prune the top branches, this is where all the new growth will shoot up from, giving you a thicket of young, non-fruiting shoots that you'll just end up pruning off every year in exasperation. This will also

reduce fruiting of tip and partial tip-bearing such as 'Bramley' and 'Discovery' as most of the fruiting wood will be removed.

Think of it as a thinning out process, selectively removing or shortening a branch here and there as you move around the tree. Focus on areas where the growth seems more crowded.

4.Avoid very big and very little pruning cuts

Even with very old trees, resist the temptation to prune off large limbs. These are at risk of decay. As a general rule, think twice before cutting into branches that are more than 10-12cm (4-5in) in diameter. If you must prune that branch, trace it away from the tree to see if there is a narrower section, perhaps where it forks and prune there instead. Avoid leaving a stub.

Equally, this is not about fiddly pruning. Most of your pruning cuts will be to branches that are between 1-5cm (½-2in). A fully pruned tree might only need 10-20 pruning cuts in total.

5.Should I use a pruning paint?

No, there is no need to use a pruning paint for cuts on apple or pear trees. However, these are sometimes used on plums, cherries and other members of the Prunus family as these are particularly susceptible to disease through pruning cuts.

Recommendations

I recommend consent is granted for this application subject to the following conditions:

Conditions to be applied to all approved works:

Where whole branches are to be removed and final cuts made close to the trunk or branch union they are made as shown in Figure 2 of BS3998:2010

Where branches are to be shortened back the final cuts are to be made at the correct angle as shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Order
Conservation Area

DEVELOPMENT PLAN POLICES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Following comments from the tree officer, it is recommended that consent be approved subject to the following conditions and informatives.

HUMAN RIGHTS ACT**FOR APPROVAL**

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION**APPROVE CONDITIONALLY**

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union they are to be made as shown in Figure 2 BS3998:2010

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INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take,

damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.

- 4 INFORMATIVE: This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.