

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

REF NO: R/286/19/T

LOCATION: Small woodland area in front of
1 West Preston Manor
Preston Paddock
Rustington

PROPOSAL: Crown lift to achieve maximum 6m overhead clearance of carriageway and reduce back lateral spread on West aspect by a maximum of 2m to 2 No. Holm Oak trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated on the small woodland area in front of 1 West Preston Manor
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

R/186/14/T	Reduce crown of 1 No lime tree by 3.5-4.5 metres	ApproveConditionally 25-09-14
R/120/19/T	Cut back 2 No. Holm Oak trees by 3m on western side and Crown reduction of 2m to 1 No. Cedar tree.	Withdrawn 05-08-19

Relevant planning history noted

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Rustington Parish Council
No objections
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

T1 - A multi-stemmed specimen of asymmetric form, seeking light by growing out across the road to escape the canopy spread of more dominant adjacent trees. It is prominent to users of the estate access road and is so low that it will soon become an impediment to the passage of high-sided vehicles. It appears outwardly and from a distance to be in a fine physiological state.

T2 - One of three closely-spaced large and wide spreading trees, having long ago achieved root and crown cohesion such that they can and should be classified as a group. It is not clear which tree is the subject of this application. Management objectives are likely to be similar for all three trees, in the absence of any known significant structural defect or disease. They are prominent to users of the estate access road and their high canopy is visible from the public highway (footway and carriageway). They are slightly asymmetric in form with extensive high growth forming over the access road/carriageway.

Conclusions:

- There is a clear and necessary requirement to undertake pruning work on these holm oaks to ensure adequate overhead clearance above the carriageway (non-adopted highway).

Recommendations:

- I recommend APPROVAL for this application, subject to condition being applied.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary

Tree Preservation Order

DEVELOPMENT PLAN POLICIES**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 the comments from the Tree Officer, it is recommended consent be approved subject to the conditions and informatives

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

- 1 Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be 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 shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: To accord with current industry guidelines and sound arboricultural practice in general

- 2 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.
- 3 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.