

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

REF NO: R/71/19/T

LOCATION: Rustington Methodist Church &
between Rustington Methodist Church
& Dental Practice

PROPOSAL: Removal of low branches to 1 No. Holm Oak (T5) & remove regrowth from
established pollard points to G6 consisting of 11 No. Lime trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The Trees in this application are located on the boundary between Rustington Methodist Church and Dental Surgery as well as in front of the dental surgery by public pathway.
SITE CHARACTERISTICS	Methodist Church and frontage to dental surgery.
CHARACTER OF LOCALITY	Mostly residential but with some shops nearby.

RELEVANT SITE HISTORY

R/29/19/T	Various tree works to various trees.	
R/184/15/T	4No. Lime trees - cut back overhang to main truck of tree. 1No. leaning Lime tree - remove 2 lowest limbs to lessen the weight on the leaning side	ApproveConditionally 04-09-15
R/376/87/T	Removal of dead and dying wood and tidying up of 11 Lime Trees	ApproveConditionally 22-02-88

Relevant history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

No objections

38 letters in response to the application outlining objections based upon:
The health of the tree

The impact on the environment with global warming scope.
They will contribute to the loss of character within the village.
They are not required to be felled to gain greater access to the dental surgery.
The trees are within the conservation area.
There is simply no reason to move them.
Removing them at this time of year is dangerous to nesting birds.
The impact that it will have on wildlife in the area- other trees and habitats destroyed.
There are tree preservation orders on these trees.

Due to the change in the details of the application to accommodate the comments of the tree officer there will be no felling of trees and only works that have been approved to benefit the area and health of the trees will be given consent.

COMMENTS ON REPRESENTATIONS RECEIVED:

The original application was unacceptable on the advice of the tree officer and an amended description has been agreed to comply with the recommendations to ensure the health and wellbeing of the trees. The application has been amended to follow the guidance of the tree officer.

CONSULTATIONS

Arboriculturist
Conservation Officer

CONSULTATION RESPONSES RECEIVED:

T1 - Holly / Ilex aquifolium Approx. height: 9m Average spread: 2.5m Age class: Mature
T2/T3 - Yew / Taxus baccata Approx. height: 9m Average spread: 2.5m Age class: Semi-mature
T4 - Holm oak / Quercus ilex Approx. height: 11m Average spread: 3m Age class: Semi-mature
T5 - Holm oak / Quercus ilex Approx. height: 14m Average spread: 6m Age class: Mature
G6 - 11x Lime / Tilia sp. Approx. height: 18m Average spread: 4m Age class: Mature
T1 - Although ivy-clad around its main stem, this tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile. It has a prominent roadside position and is highly visible to the public. The work proposed has not been justified on arboricultural grounds.
· T2/T3 are twin and multi-stemmed yew trees, partially obscured by the aforementioned holly and nearby holm oaks.
Their form suggests a degree of crown reduction work may become necessary (if not already so, although not evidenced as necessary by the applicant/agent) to retain them in a structural state appropriate for this location. They appear to be in a fair physiological state.
· T4 - This is clearly a fine specimen of its type and with high growth potential. It appears to be in a fine physiological state with a dominant main stem and presents an attractive crown profile. It is visible to the public although to some extent visually marginalised by its impressive companion (T5). There may be implications for this aspect of the in/out driveway as the stem and buttress roots expand over time, although at present it makes a valuable contribution to the character of the area and there is no obvious evidence of obstruction to vehicles servicing the property.
· T5 - This landmark tree appears to be outwardly healthy and stable with an attractive crown profile. It gives the impression of being slightly stunted, a probable consequence of it growing in such hostile conditions. It is prominent to the front of the property, growing as it does from within the publicly maintainable highway (footway). This is a tree of high public amenity value.
· G6 - This linear group of trees help define the character of the area by virtue of their size and prominence; forming an impressive belt of high canopy and which constitutes a significant public amenity. They can be described as 'high-level pollards' although that work appears to have been crudely

initiated with a 'topping out' of the main stem and severe truncation of limb framework. Repeat operations such as now being asked for by the applicant will be necessary throughout the remaining life-span of these trees, to achieve a reasonable degree of structural integrity appropriate for their location. Nonetheless, this type of tree is known for its tolerance of hard pruning so long as there is adequate time between operations to replenish stored energy reserves.

Conclusions:

- T1, T2/T3 - I consider the work proposed has not been justified on arboricultural grounds and see no obvious reason to support these elements of the application. The abrupt termination of leading stems and extent of crown volume loss will irrevocably spoil their appearance. As such, their amenity value and contribution to character of the area would be unduly diminished.
- T4 - The removal of this tree has not been justified on arboricultural grounds.
- T5 - The removal of low branches to achieve adequate overhead clearance above driveway and footway is necessary and can be achieved without undue detriment to the trees ongoing health and vitality, so is justified on arboricultural grounds.
- G6 - The proposal to remove regrowth from established pollard points is justified and consistent with previous works approved by the Local Planning Authority. It is assumed (and recommended) that this operation will also involve the careful removal of epicormic and basal growth. While a temporary loss of aesthetic value is inevitable, satisfactory canopy renewal and recovery should occur if the work is undertaken to a high standard and at an appropriate time of year.

Recommendations:

- As it stands, I recommend REFUSAL for this application.

Advisory:

- Where trees are situated on land not owned by the applicant (T5) the granting of consent by this authority does not by association give permission to undertake such works that require access onto/from that land, without first obtaining authority from the tree owner.
- I would like to see the applicant submit a revised application, by way of removing work proposals for T1, T2/T3 and T4.

This would allow justified works to proceed without further delay and prevent undue diminution of the above tree's landscape and public amenity value:

If the applicant is prepared to re-submit in line with this advice, then I would be able to recommend APPROVAL 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 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.
- G6 - The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.
- G6 - The long-term vitality of these trees is best respected when significant pruning work such as proposed, is undertaken during the late-spring to summer period (May to August). The work proposed must only be undertaken during this period.

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

- See also the standard pruning guidance notes issued with the consent letter

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Order
Conservation Area
Built up area boundary

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 the comments from the tree officer, it is recommended consent be approved, subject to the following 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
- 2 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.
- 3 **INFORMATIVE:** G6 - The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.
G6 - The long-term vitality of these trees is best respected when significant pruning work such as proposed, is undertaken during the late-spring to summer period (May to August). The work proposed must only be undertaken during this period.
- 4 **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.
- 5 **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.