

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

REF NO: R/92/26/T

LOCATION: Copthorne Cottage
4 Preston Avenue
Rustington
BN16 2DB

PROPOSAL: Crown reduction to 1 no. Cedar Deodora (T1) to leave an Easterly spread of 5m and to achieve long-term clearance of building, but not exceeding 2m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree stands in the front garden of 4 Preston Avenue.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

R/88/20/T	- Reduce length of branches as necessary to achieve long-term clearance of building, but not exceeding 2metres. - Reduce crown spread (currently 6.2m) on East aspect (across driveway) to a minimum of 5m when measured from centre of main stem. - Crown lift (removal/reduction of low branches) to achieve a maximum of 2.5m overhead clearance on all aspects. - Crown lift (removal/reduction of low branches) to achieve a maximum of 3.0m overhead clearance directly above driveway.	ApproveConditionally 02-07-20
-----------	--	----------------------------------

Relevant planning history noted.

REPRESENTATIONS

Rustington Parish Council - No objection.

1 letter of support has been received from a nearby occupier, stating that the tree has grown too large for its plot and would benefit from reduction.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer - This tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile. It gives the impression of being slightly stunted in the upper crown, a probable consequence of it attaining height above the house and from exposure to prevailing coastal winds.

T1 grows at the front of the property and dominates the garden. It has moderate-high growth potential and so could become oppressive for occupier(s) of the dwelling if crown spread is not carefully managed. Cedar trees do not produce new shoots from old wood and so should only be pruned lightly, therefore early intervention is desirable.

T1 is visually impressive from outward facing aspects and seen from numerous surrounding properties and to traffic accessing/exiting this part of the estate. As such, it has high amenity value.

Conclusions: The proposed work is justified on arboricultural grounds. Only small diameter branches will be pruned to fulfil the proposal, so there ought not to be any harm incurred to tree health or loss of visual amenity.

Recommendation: We grant consent for this application subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the tree officer, it is recommended consent be approved, subject to the following condition 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

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 Part a) 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.

Part b) 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: In the interest of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 2 INFORMATIVE: As per section 17, paragraph 4 (a) and (b) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, this consent is only valid for 2 years and may only be carried out once.

- 3 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), 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 0345 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.