Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: R/100/17/TC

LOCATION: Tithe Barn
32 The Street
Rustington
BN16 3NX

PROPOSAL: 1.5m crown reduction to 1no. Indian Bean tree within the Rustington Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at Tithe Barn, 32 The Street, Rustington.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

R/184/06/TC	Felling of 1 No. Prunus tree within the Rustington Conservation Area.	Withdrawn 18-07-06
R/235/03/TC	Reshaping of Ornamental Cherry tree branches growing over roof of No 30 The Street and extending over the road within the Rustington Conservation Area.	No Objection 05-12-03

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comments received from Parish Council.

CAAC - No comment.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Tree Officer -

- Small but spreading tree positioned to the rear of the property.
- This tree is sound and healthy but is not visible from a point of public access.

Conclusions:
- Overall I find the works as listed to be acceptable and reasonable.

Recommendations:
- The works as listed are acceptable and I therefore see no reason to apply a TPO to seek to prevent or control them.

ADVISORY:
- Where whole branches are to be removed and final cuts made close to the trunk or branch union they should be made as shown in Figure 2 of BS3998:2010
- Where branches are to be shortened back the final cuts should be made at the correct angle 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.

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Private Street
Conservation Area
Tree Preservation Order

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 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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 of the tree officer it is recommended that no objection be raised.

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 neutral 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).

RECOMMENDATION

NO OBJECTION

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

- Where branches are to be shortened back the final cuts should be made at the correct angle 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.

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.