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

REF NO: **R/12/13/T**

LOCATION: Various locations within
The Sea Estate
Rustington

PROPOSAL: Various tree surgery

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Proposal is for various pruning, crown lift and limb removal to 61 Pine, Lime, Robinia, Birch, Sweet Chestnut, Ilex, Macracarpa, Sycamore, Cedar, Whitebeam, Ash and Norway Maple trees. Trees are on verges on Sea Avenue, The Thatchway, The Roundway, The Parkway, Bushby Avenue, The Bramblings, Preston Avenue, Meadway and The Close in The Sea Estate, Rustington.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	As detailed in application.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Trees are located on grass verges.
CHARACTER OF LOCALITY	Estate has large trees on grass verges throughout.

RELEVANT SITE HISTORY

R/248/11/T	Various tree surgery	Approve Conditionaly 17-01-2012
R/212/12/T	Various tree surgery	Refused 20-12-2012

Current application has been amended to take account of Council's Arboriculturists' comments on previous application.

REPRESENTATIONS

Representations received:

Rustington Parish Council

- No objection subject to the approval of the Local Planning Authority's Arboriculturist.

Comments on Representations received:

Noted.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Proposal is acceptable.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Private Street
Tree Preservation Order R/01/01

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice
RDS	Rustington Design statement by Rustington Parish Council

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, 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

The proposed tree works will not result in a materially adverse amenity impact to any surrounding property as no trees are proposed for removal. The trees are proposed for pruning, crown lifts and limb removal only.

Council's Arboriculturist has advised the proposal is acceptable.

RECOMMENDATION

APPROVE

1 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.

2 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 amendd) 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.