

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** R/141/12/T**LOCATION:** Communal Ground at
Willowhayne Mews
Preston Paddock Rustington**PROPOSAL:** Reduce crown by no more than 2m to 1 no. Holly tree (Ilex Aquifolium)**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Holly tree subject of the application.
BOUNDARY TREATMENT	Various low level hedging, brick and flint walls and timber fencing.
SITE CHARACTERISTICS	Central Grade II Listed Building with mature gardens and landscaping.
CHARACTER OF LOCALITY	Residential, within a gated development with a central Manor house which has been converted to flats and bungalows to the south.

RELEVANT SITE HISTORY

R/150/99/T	Fell two Sycamore Trees	Approve Conditionally 20-10-1999
R/1/05/T	Surgery to 3 no. Holm Oak trees	Inc Docs Ret'nd 10-02-2005
R/56/05/T	Surgery to five Holm Oak trees, three Holm Oaks to have overhanging branches reduced to include some crown lifting and two Holm Oaks to be dismantled to ground level	Refused 08-04-2005
R/63/06/T	Felling of 1No Sycamore tree and surgery to various trees	Approve Conditionally 21-04-2006
R/231/10/T	Lopping of 1 No Lime tree and 1 No Holm Oak tree	Approve Conditionally 23-11-2010

R/195/11/T	Thin & reduce canopy by approx 25% to 1 No. multistem Evergreen Oak & reduce length of 2 lowest limbs by 50% to 1 No. Evergreen Oak. Remove all dead wood from all trees in area.	Approve Conditionally 25-10-2011
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REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection, subject to the approval of the Councils Arborist.

1 letter of objection:

No tree surgery due to nesting birds between April and September.

Comments on Representations received:

Parish Councils comments are noted. The Councils Arborist has confirmed that the works would be acceptable. Informative to be attached to approval advising applicants of the relevant wildlife Acts.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Councils Arborist:

If carried out within the limits of a 1.5m overall crown reduction the application would be acceptable. Conditions suggested to safeguard the tree from indiscriminate/excessive pruning works which could be detrimental to the tree's health.

Conservation Area Advisory Committee:

No objection.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Tree Preservation Order TPO/R/2/89 (Group 6)

Grade II Listed Building

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [AREA2](#) Conservation Areas

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1

Circular 36/78

XXX2

DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

TREES

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

TREES

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 application seeks permission to carry out works to reduce the crown of a Holly tree by 2 metres. The tree is located at the entrance into the site and therefore a prominent feature within the site.

The works proposed are considered to be for good husbandry purposes, to maintain the shape and appearance of the tree. The Councils Arborist has confirmed that the works would be acceptable, subject to the conditions below. It is therefore recommended that the application be approved subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The reduction is applicable to the Holly tree and must not exceed the removal of branch lengths greater than 1.5m to provide the necessary Crown Reduction.

The larger branches to be removed should leave healthy substantial leaf bearing side branches.

All side branches to be retained should be at least 1/3rd in diameter of the removed branch.

Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 40mm in diameter.

Reason: To protect the tree in the interest of its health and visual quality.

- 2 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

- 3 **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.

- 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 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.