

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

REF NO: R/148/20/T

LOCATION: 8 Elm Farm Cottages
Old Manor Road
Rustington
BN16 3FD

PROPOSAL: Crown lift of 1 No. Silver Birch to 2.8m above ground level. Crown reduction of 1 No. Silver Birch to height 7.5m and spread 4m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 8 Elm Farm Cottages.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

R/138/19/T	Crown reduction to previous prune points including lower branches of 1 - 1.2m to 1 No. Bay tree.	ApproveConditionally 26-07-19
R/139/19/T	Fell 1 No. Douglas Fir tree.	Refused 30-07-19
R/185/18/T	5m Crown Lift to Eastern aspect to 1No. Horse Chestnut, 2.5m Crown Lift to other aspects.	ApproveConditionally 23-10-18
R/120/18/T	Crown reduce 1No. Horse Chestnut tree by 1.5m to all sides and crown lift by 5m to the east side and 4m to the west.	Refused 13-08-18
R/278/17/T	Crown reduction to 1No. Apple tree and 1No. Pear tree by 1m. Crown reduction to 1No. Apple tree by 1m with all branches cut back to smaller branches no less than 1/3 the size and crown lift by 2m of branches under 3cm diameter.	ApproveConditionally 22-02-18

R/151/10/T	Fell 1 no. Rowan tree and cut back 1 no. Bay tree by approximately 2metres (70%)	ApproveConditionally 31-08-10
R/274/08/TC	Various surgery to 2no. Pear trees & 2no. Apple trees (Within the Rustington Conservation Area) (Extended)	No Objection 07-01-09
R/235/08/	Erection of a greenhouse.	

Relevant planning history noted.

REPRESENTATIONS

No objection from Parish Council.
No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

There have been no comments submitted from the tree officer.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.
Tree preservation order.
Conservation area.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

The tree officer has not commented on this application. However, on the information submitted with this application there is no reason to believe that the works proposed will have a detrimental impact on the vitality and future health of this tree and therefore it is recommended permission be granted.

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

- 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 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.