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

REF NO: **R/186/14/T**

LOCATION: Wooded area land in front of
1 West Preston Manor
Preston Paddock Rustington

PROPOSAL: Reduce crown of 1 No lime tree by 3.5-4.5 metres

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The lime tree is part of a group of mature trees of a variety of species' which are positioned between West Preston Manor and the site boundary.
BOUNDARY TREATMENT	Approximately 1.5 metre high flint wall.
SITE CHARACTERISTICS	The wooded area is adjacent to the former West Preston Manor building which has been subdivided into individual dwellings. The building is a flint walled structure and is Grade II Listed. An access drive runs between the wooded area and the building.
CHARACTER OF LOCALITY	The site is located within the East Preston/Rustington Station Road Conservation. The presence of mature trees is a recognised feature within this Conservation Area and they perform a valuable contribution in maintaining the semi-rural village character of the area.

RELEVANT SITE HISTORY

R/231/10/T	Lopping of 1 No Lime tree and 1 No Holm Oak tree	ApproveConditionally 23-11-2010

REPRESENTATIONS

Representations received:

Rustington Parish Council

My Council has noted the above application and wishes to raise no objection to it, subject

to the approval of the local Planning Authority's Arboriculturist.

Comments on Representations received:

CONSULTATIONS

Arboriculturist
Conservation Officer

Consultations responses received:

COUNCIL'S ARBORICULTURALIST:

This pruning operation should be allowed to take place, as doing so will reduce the risk posed to the surrounding structures/vehicles/members of the public. Also this activity (as it has been done once before) is the best practise for this individual, and should prolong the retention span.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Tree Preservation Order
Within Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA2	Conservation Areas
Publication Version of the Local Plan (October 2014):	HER DM3	Conservation Areas

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

SPD2	Conservation Areas

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to visual and residential amenity.

The Development Plan consists of the Arun District Local Plan 2003.

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework. It should be noted that the NPPF states that weight is given to individual policies and not to the plan as a whole.

NPPF Paragraph 216 confirms that weight can be given to policies in emerging plans following publication. The Council agreed the majority of the Arun Local Plan in February 2014 (Publication Version) and this is a material consideration in the determination of this planning application. The remaining chapters of the Local Plan namely: the Spatial Portrait, Employment & Enterprise, Housing Allocations, Transport, Monitoring and Implementation will be considered for publication at a later meeting of Full Council. Following 'publication' of the Local Plan a formal public

consultation, examination and adoption process takes place. The chapters that have been published will undergo public consultation alongside the remaining chapters when they have been agreed. The weight given to the current published policies can be significant depending:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
The policies within this published version of the plan are at an advanced stage as they have been agreed by Full Council for regulation 19 consultation, they have been subject to independent audit and are considered to meet the NPPF and there are no known significant unresolved issues arising from regulation 18 consultation for the published policies.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place once the remaining chapters / policies have been published.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

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 tree is a large specimen and is dominant within the group of trees in which it is located. It has grown to the extent that low branches are overhanging the driveway and upper branches are

beginning to come into contact with the Grade II Listed Building.

The proposed works will reduce the size of the tree. It is considered that this will be beneficial for a number of reasons. It will reduce the risk of damage to the Grade II Listed Building and will also minimise the risk of contact with passing vehicles which would have the potential to damage both the vehicle involved and the tree itself. The tree will also appear less dominant within the group of trees in which it is located and a more balanced appearance will return.

The proposed works will not be excessive given the current size of the tree and it will continue to play an important role in defining the character and appearance of the surrounding Conservation Area.

It is therefore recommended that the application is approved, subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

1 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.

2 Where whole branches are to be removed final cuts close to the trunk or branch union are to be made as shown in Figure 2 of BS3998:2010 and all shortened branches are to be cut at the correct angle (see also BS3998:2010) and adjacent to a live bud or lateral.

Reason: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

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.