

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

REF NO: R/189/14/T

LOCATION: Opposite 6 Summerley Close
Rustington

PROPOSAL: Trim back all overhanging branches and crown lift to a height of 5.5 metres to 1 No Sweet Chestnut tree, 2 No Lime trees and 3 No Sycamore trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 638 square metres.
TOPOGRAPHY	Predominantly flat.
TREES	The trees subject of this application are part of a belt of mature trees that border the western side of Summerley Close.
BOUNDARY TREATMENT	No formal boundary treatment.
SITE CHARACTERISTICS	The site consists of a wooded area of trees with mixed canopy heights.
CHARACTER OF LOCALITY	The site is located on a residential cul-de-sac, the eastern side is bordered by detached two-storey residential dwellings whilst the western side is bordered by trees. Further to the west there is a housing estate.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection, subject to the approval of the Local Planning Authority's arboriculturalist.

Comments on Representations received:

Noted. The Council's arboriculturalist has been consulted as is mandatory for any application relating to tree works. The comments received are set out below.

CONSULTATIONS

Arboriculturist

Consultations responses received:

The trees outlined in this application are situated on a small mixed woodland boundary, which abuts Summerley Close, Rustington.

It is apparent from a site visit that branches from said trees are extending over Summerly Close, and would pose to be an interference with any high sided vehicles which wished to use the close.

The applicant has requested a crown raise to 5.5 meters. This is higher than the 5.2 meters clearance public roads are usually kept to. However in this situation, an allowance for a crown raise to 5.5 meters would not have much of an effect on the finished aesthetic value of the outlined trees (due to their size and the form exhibited by an individual grown in a woodland setting). Furthermore species such as sweet chestnut and lime can exhibit a pendulous growth habit on the extremities of lateral branches.

Recommendation:

I therefore have no objection to this application, as it will not have a long term detrimental effect on the long term longevity of the outlined trees. This operation will also allow higher sided vehicles access to this lane.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 trees are part of a woodland belt that plays an important role in providing greenspace within

what is a fairly densely developed housing estate. They are therefore regarded as an important amenity feature.

The proposed works will not result in the loss of any trees, or a reduction in height, but will lift their crowns. It is considered that this will be beneficial to the long term health of the trees as it will prevent the possibility of branches coming into contact with high sided vehicles using the street. If the crown lifting is not carried out there is potential for the trees to be damaged through collisions.

It is therefore recommended that consent is granted for the proposed works, subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The crown of both trees will be pruned to provide a vertical clearance above ground level over the highway up to 3.5m. Branches found within the clearance height having diameters greater than 100mm should be shortened and no more than 15% of the leaf bearing growth of that branch should be removed to facilitate the unobstructed free passage of vehicles and pedestrians.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity in accordance with the NPPF.

- 2 It must be ensured that neighbouring trees shall not be damaged during the course of the approved works being carried out.

Reason: To ensure the retention of vegetation important to the visual amenity in accordance with the NPPF.

- 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.