

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

REF NO: R/18/14/T

LOCATION: Land in front of
50 Sea Avenue
Rustington

PROPOSAL: Cut back four lower branches by 2.0m and remove deadwood to 1No. Pine tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The Pine tree is located in the front garden of the property.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree that forms the subject of this application.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	A two storey detached property.
CHARACTER OF LOCALITY	Predominantly residential, the property lies within a private estate with other trees of notable size in the immediate vicinity.

RELEVANT SITE HISTORY

R/253/13/T	Cut back 3/4 branches by 3/4m to 1x Pinus Contorta tree	Refused 23-01-2014
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This current application follows precisely the arboriculturalist's advice as set out in the refused application R/253/13/T.

REPRESENTATIONS

Representations received:

Rustington Parish Council
No objection.

Comments on Representations received:

Noted

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's arboriculturalist
No objection.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

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

This application seeks to cut back four lower branches by 2m and removal of deadwood on a Pine tree located to the front of the property.

The applicant states in the application that such works are necessary for the safety of the owners of the property and provide adequate clearance to the driveway.

There will be no adverse loss of amenity caused by these works. The Council's arboriculturalist has raised no objection to the scheme since it follows from previous advice set out in refused application R/253/13/T.

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

RECOMMENDATION

APPROVE CONDITIONALLY

1 The works hereby approved shall involve the cutting back of four lower branches by 2m

report

and removal of deadwood to 1No. Pine tree.

All works shall be carried out in accordance with BS3998: 2010 Recommendations for Tree Work.

- 2 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.
- 3 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.