

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

REF NO: R/201/13/T

LOCATION: 1-10 Willwhayne Mews
Communal Ground
Rustington

PROPOSAL: Remove up to 2 metres from the overhang to 3 No. Betula Pendular (Weeping Silver Birch) trees. Remove dead wood.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The site is well landscaped with a mixture of mature and ornamental trees, a number of which are the subject of a Tree Preservation Order.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The trees are located on an open lawn area to the front of a group of bungalow dwellings that forms part of the overall landscaping that surrounds the development.
CHARACTER OF LOCALITY	The site is located within the well landscaped former grounds of West Preston Manor, the main building of which is Grade II Listed and is located to the west. Low density residential development, predominantly in the form of bungalow dwellings has recently been built throughout the former grounds. The site is part of a Conservation Area.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

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

The trees, subject of this application, are of modest height and have no significant visual presence outside of the site. However, they do play an important role in maintaining the well landscaped appearance of the former Manor grounds and, thereby, enhancing the setting of the nearby Grade II Listed Building.

The proposed works are intended to tidy the appearance of the trees, which are relatively small and distinctive due to their ornamental appearance rather than being of any significant stature, and it is considered that the works will ensure the trees continue to integrate with the planned nature of the overall landscaping of the site and their surroundings and thereby enhancing the appearance of the Conservation Area as well as the setting of the Grade II Listed West Preston Manor.

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 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.