

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** R/207/12/TC**LOCATION:** Ffynches Lodge
The Street
Rustington**PROPOSAL:** Fell 1no. Norway Maple to ground level within the Rustington Conservation area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Land slopes up from the highway.
TREES	Well established trees on the northern boundary adjoining properties at the end of Andrew Close, with previous works noted. Small trees and shrubs interspersed between the mature trees.
BOUNDARY TREATMENT	Boundary shared between Ffynches Lodge is kept by timber fencing approximately 1.8m in height. Trees along boundary.
SITE CHARACTERISTICS	Large detached house converted into flats set back behind houses of The Street. Red tiled hipped roof, red brick walls.
CHARACTER OF LOCALITY	Mix of different property styles and uses. Detached 1 and 2 storey residential properties surround the site. Shared driveway in to the site. No.9 and 10 Andrew Close adjoin rear of site.

RELEVANT SITE HISTORY

R/62/97/T	Crown lift and deadwood 2 Mulberry and 1 Walnut tree	Approve Conditionally 23-05-1997
R/86/08/T	Fell 1 No Mulberry Tree	Refused 05-06-2008
R/213/08/T	Crown thinning by 40% to one Bird Cherry tree, one Oak and one Mulberry tree.	Refused 18-11-2008
R/280/08/T	Crown thinning by 20% of 1 No Bird Cherry Tree, 1 No Oak Tree and 1No Mulberry Tree	Approve Conditionally 09-02-2009

R/104/11/T

Removal of 4 no. branches from 1 no.
Mulberry tree

Approve Conditionally
20-06-2011

REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection, subject to the approval of the Local Planning Authorities Arboricultural Officer.

1 Letter of Objection:

No felling unless dead or dangerous.

Comments on Representations received:

Comments noted. The tree is not worthy of protection by way of a preservation order. As such, no objection is raised to its felling.

CONSULTATIONS

Conservation Officer

Council's Arboriculturist

Consultations responses received:

Conservation Area Advisory Committee:

No comment

Council's Arboricultural Officer:

The tree is a Norway Maple of good mature size. Unfortunately it has become unsafe due to significant death of main primary branches and stems. A replacement tree of similar species would be welcome. However as it stands the tree in its current condition is not worthy of TPO.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Class C Road

Tree Preservation Order TPO/R/5/85, TPO/R/5/07

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [AREA2](#) Conservation Areas

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 tree is not considered to be a significant feature within the locality, in that it does not significantly contribute to public visual amenity. As such the tree is not worthy of a tree preservation order and the works can therefore proceed as per the notification.

RECOMMENDATION

NO OBJECTION

- 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.