

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** R/232/12/T**LOCATION:** Land at Elm Farm Cottages
Old Manor Road
Rustington West Sussex**PROPOSAL:** Remove dead ivy wood from 1 No Hawthorn tree and remove easterly limb measuring 1-2m, reduce 1 No Bay tree by 1m all around, remove 2-3m of the top and side and crown by removing lower easterly limb and prune 1 No Maple tree and rebalance, remove 2-3 metres off top and side and crown lift to 1No. Silver Birch tree.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The trees subject of this application.
BOUNDARY TREATMENT	1m high flint wall to the front of the site, open to shared driveway with various planting.
SITE CHARACTERISTICS	Grounds of a residential development.
CHARACTER OF LOCALITY	Residential area within a newly built development of 10 houses. Tree lined road.

RELEVANT SITE HISTORY

R/173/97/T	Various tree surgery	Approve Conditionally 28-11-1997
R/235/05/TC	Felling of 2 dead Elm trees and cutting back of 2 Leylandii trees within the Rustington Conservation Area.	No Objection 08-11-2005
R/233/12/TC	Remove 2-3 dead branches that are at the base of 1 No Fir tree (2-3m above ground level) and remove dead and unitidy lower branches and reduce height of 1 No Willow tree by 2-3m and reshape within the Rustington Conservation Area	No Objection 14-02-2013

REPRESENTATIONS

Representations received:

Rustington Parish Council

No Objection subject to the approval of the Local Planning Authorities Arborist.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist

Conservation Officer

Consultations responses received:

Councils Arborist:

The applicant has requested tree works to a Hawthorn, Bay, Willow and Spruce (Fir) which are acceptable.

The Maple needs to be specific and it is recommended that a maximum gap of 1m between the building and the crown is acceptable.

The reduction of the Silver Birch by 2-3 metres and loss of its low large primary branch would be detrimental to the health and natural appearance of the tree and where the work should be refused consent.

Conservation Area Advisory Committee:

No comment.

Comments on Consultation responses:

Comments noted. The applicants have confirmed that the works to the Silver Birch tree have been reduced to a light crown reduction of 1-2 metres and no other other works are now proposed. The Councils Arborist has agreed to the revisions.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area

Within a Conservation Area

Tree Preservation Order TPO/R/2/90

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 combine to describe the criteria against which the application will be assessed particularly with regard to the character and appearance of the Conservation Area.

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 application proposed works to ivy and the easterly limb to 1No. Hawthorn tree, 1 metre reduction to 1No. Bay tree and various works to Maple and Silver Birch trees. The trees are sited within the development of Elm Farm Cottages.

The majority of works were considered to be acceptable, except for that proposed to the Silver Birch tree. The works proposed have now been revised and the Councils Arborist has accepted the revisions. As such, it is recommended that the application be approved subject to the conditions set out below.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works to the Hawthorn tree must only result in the removal of the easterly limb which measures 1-2 metres in length.

The works to the Bay tree must only result in 1 metre reduction.

The works to the Maple tree must only result in a reduction to provide a maximum gap between the building and crown of the tree by 1 metre.

The works to the Silver Birch tree must only result in a light crown thin of 1-2 metres.

All works must be carried out in accordance with BS3998 (2010).

Reason: To protect the tree in the interest of its health and visual quality.

- 2 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.

- 3 The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

- 4 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.
- 5 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.
- 6 INFORMATIVE: Statement pursuant to Article 31 of the Town and Country Planning (Development Management Procedure)(England) (Amendment No. 2) Order 2012. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.