

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: R/233/11/TC

LOCATION: Manor Barn
137 Old Manor Road
Rustington

PROPOSAL: Remove any dead branches and tidy up previous cuts back to the branch collar and reduce in length by 4 metres a branch which extends towards the house to 1 No. Lebanese Cedar within the Rustington Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 637 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Site slopes down from the highway.
TREES	The tree subject of the application, others within the site and street.
BOUNDARY TREATMENT	Flint and brick wall to the front of the site approximately 1m high.
SITE CHARACTERISTICS	The site is occupied by a semi detached 2 storey property. Flint elevations and red brick quoins. Half hipped red tiled roof. Detached pitched roof garage and car port. Conservatory to side elevation.
CHARACTER OF LOCALITY	The site is located within a residential area. Mix of different types styles of properties within close proximity to the site, tree lined street.

RELEVANT SITE HISTORY

R/95/09/TC	Reduce crown of 1no Lebanese Cedar tree to a height of 25ft (7.6m) (Within the Rustington Conservation Area (Extended)	No Objection 13-07-2009
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REPRESENTATIONS

Representations received:

Rustington Parish Council

No objection subject to the approval of the Local Planning Authority.

Comments on Representations received:

Noted.

CONSULTATIONS

Council's Arboriculturalist
Conservation Area Advisory Com
Conservation Officer

Consultations responses received:

Conservation Area Advisory Committee:
No objection.

Councils Arboricultural Officer:

The removal of the 4m branch from the Cedar growing close and towards the conservatory/property is acceptable.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the Built-up Area Boundary

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 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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 or legislative background.

CONCLUSIONS

The notification is to advise of works to 1No. Lebanon Cedar tree. The tree is set back from the highway by some 10m within the front garden of the site. The tree is considered to contribute to the public visual amenity of the Conservation Area. The proposed works are not considered to

detract from the visual amenity of the tree as such the protection of the Conservation Area remains sufficient at this time and the tree will not be made the subject of a tree Preservation Order.

It is therefore recommended that no Tree Preservation Order be made to the Lebonese Cedar tree and works should proceed as per the application.

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.