

R/246/06/T

TREE WORKS TO TPO TREES REPORT

DESCRIPTION/ ADDRESS	- Lopping and topping 1 No. Oak tree 7 The Oaks Rustington
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THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Flat
TREES	In addition to the subject of this application, well established trees located in vicinity
BOUNDARY TREATMENT	Front and side boundaries kept by wall, trees, and hedging approximately 1.8 – 2.4m in height
SITE CHARACTERISTICS	Two-storey detached property with red brick and flint section walls and brown tiled roof
CHARACTER OF LOCALITY	Two-storey/bungalow detached properties of similar style and design

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
R/27/92/T	Reduce growth by 1/3rd of 1 Evergreen Oak Tree	Approved Conditionally 18-03-1992
R/224/01/T	Lopping of overhanging branches of one Oak Tree	Approved Conditionally 14-12-2001

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Rustington Parish Council	Awaited No objection

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Council's Arboriculturist	No objection. Oak Tree needs to be reduced in a similar way to when it was last done in 2001, which, in essence, is taking it back to the previous pollard points

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Tree Preservation Order

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DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : DEV1
Arun District Local Plan : GEN7

PLANNING POLICY GUIDANCE

PPS1: Delivering sustainable development
Circular 36/78
DETR TPO's: A Guide to the Law & Good Practise

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPO's, are not specific to trees.

COMMENT ON CONSULTATION RESPONSES

Noted.

COMMENT ON REPRESENTATIONS RECEIVED

None

ASSESSMENT OF PROPOSAL**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 tree is 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 Oak Tree is visually prominent from the street scene. The Council's Arboriculturist has stated the works are required, and it is not considered the works proposed would reduce the amenity value of the tree in the street scene. It is therefore recommended that the application should be approved, subject to the conditions set out overleaf.

RUSTINGTON**R/246/06/T**

Lopping and topping 1 No. Oak tree

7 The Oaks
Rustington

RECOMMENDATION

Approve Conditions

- 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 in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 2 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 in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

- 3 The works hereby approved shall involve only lopping and trimming to the previous pollard points of a third of the Oak Tree.

All works shall be carried out in accordance with BS 3998: 1989 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy DEV1 of the West Sussex Structure Plan and policy GEN7 of the Arun District Local Plan

- 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.

