

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: R/253/14/TC

LOCATION: 38 The Street
Rustington

PROPOSAL: 1No. Oak tree - Cut back overhanging branches by 4.6m back to boundary fence to suitable growth points within the Rustington Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	the site has a slight and gradual incline from south to north.
TREES	The tree the subject of this application.
BOUNDARY TREATMENT	The front boundary features a 1m high brick wall with the side and rear elevation consisting primarily of 1.8 metre high close boarded fencing and planting.
SITE CHARACTERISTICS	The property is located within a Conservation Area and is a detached two storey dwelling, rendered white with a brown tiled roof and an attached garage.
CHARACTER OF LOCALITY	The locality of the site is a mixture of residential and commercial. The Street features primarily residential properties of various designs and styles with some commercial units, closest of which is The Lamb (public house).

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Conservation Area Advisory Committee:-
No Objection

Comments on Representations received:

Noted.

CONSULTATIONS

Conservation Officer

Arboriculturist

Consultations responses received:

Council's Tree Officer:-

Comments:

- This outlined tree is situated in the village of Rustlington. This village has a reasonable density of mainly medium sized trees. The tree cited in this application is located in the rear garden 38 the Street, Rustlington.
- This outlined tree has evidence of historic remedial pruning operations. This would suggest it has had a crown reduction at some point.
- The outlined tree was Tempo scored on a visit. This tree scored a 10, which does mean this tree is current unsuitable for an individual TPO order.
- The applicant has requested reducing the northern lateral spread by 4.6 meters. This would mean reducing the branches back the boundary of 1 Manor Road. As this tree is not currently suitable for a TPO the applicant is free to prune as they wish.

Recommendation:

- As this tree has no or will be afforded a TPO order, I have no objection to the pruning operation applied for.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations Applicable to Site:-

Adopted Local Plan

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, 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 and/or legislative background.

CONCLUSIONS

The tree is located in the rear garden of 38 The Street, Rustington and is not visible within the street scene.

The Council's Tree Officer has identified evidence of remedial pruning operations which suggest that a crown reduction has taken place at some point in the past. The outline tree was Tempo scored and was given a rating of 10, which means this tree is unsuitable for an individual TPO order.

Therefore, it is recommended that no objection should be raised to the proposed pruning operation.

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.