Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (

REF NO: **R/256/14/T**

LOCATION: St Peter and St Paul Church
77 The Street
Rustington

PROPOSAL: Pollard to previous pruning points 13 No Lime trees, cut back from flag pole by 1.5m to 1 No Bay tree & deadwood, remove basal growth & crown lift to 4m from ground level 2 No Lime trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	n/a
TOPOGRAPHY	Predominantly flat
TREES	The trees that form the subject of this application.
BOUNDARY TREATMENT	The main boundaries to the site comprise flint walling and trees at over 3m in height.
SITE CHARACTERISTICS	The site comprises the Parish church of St Peter and St Paul, a Grade II Listed Building. There is a churchyard to the south, west and north and it is here where the trees in question sit.
CHARACTER OF LOCALITY	Mixed commercial and residential. There is a retail parade to the north, public house to the west and further commercial premises to the south. There are few other trees in the immediate vicinity of such height and maturity as those forming the subject of this application. The churchyard is an important green buffer on a corner location between The Street and Sea Lane.

RELEVANT SITE HISTORY

R/184/99/T	Judicious pruning of 4no.golden yews, 1no. english yew, 1no.thuja. Fell 2no.euonymous	ApproveConditionally 17-11-1999
R/267/11/T	Remove deadwood. Reduce live branches that are above 5m height.	ApproveConditionally 07-02-2012

REPRESENTATIONS

Representations received:

Rustington Parish Council

My Council has noted the above application and wishes to raise no objection to it, subject to the approval of the local Planning Authority's Arboriculturist.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist
Conservation Officer

Consultations responses received:

Council's arboriculturalist
No objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

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 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 trees are situated in the churchyard of St. Peter and St. Paul Church and generally along its western and northern boundaries.

Various works are proposed but the main subject of works is to pollard 13no. Lime trees back to previous pruning points. The Council's arboriculturalist has no objection to the works. There will be no harmful loss of visual amenity to the area as a result of the works.

It is therefore recommended that the application be approved, subject to the following condition.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The works hereby permitted shall comprise the pollarding to previous pruning points for 13no. Lime trees, the cutting back from the flag pole by 1.5m to 1no. Bay tree and deadwood, removal of basal growth and crown lifting to 4m from ground level to 2no. Lime trees.

2 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.

3 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.