

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

REF NO: R/277/21/T

LOCATION: 70-72 The Street
Rustington
BN16 3NR

PROPOSAL: Various works to various trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION TREES	As above. Various trees within the churchyard of the site. This application covers a range of trees, some which are classed as TPO, but all trees within the application are under a conservation area. -TPO trees (T1 & T5 lime, T11 & T14 yew). - All other trees in the proposed works that are only classed under the conservation area, are considered and included as an informative to this application.
SITE CHARACTERISTICS	The site houses the Parish church of St Peter and St Paul, a Grade II Listed Building.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

R/20/21/T	To crown lift 1 No. Yew tree (Taxus Baccata) to 2.5m above ground level. To crown lift 1 No.lime (Tilia) tree to 3m above ground level. To remove all dead wood from 1 No.strawberry tree (Arbutus unedo)	ApproveConditionally 19-03-21
R/256/14/T	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.	ApproveConditionally 08-12-14
R/267/11/T	Remove deadwood. Reduce live branches that are above 5m height.	ApproveConditionally 07-02-12
R/197/99/TC	Fell 4 No Sycamores, 1 No Holly; Pollard 8 No Limes, 1	No Objection

No Copper Beech, 1 No Elder and judicious pruning 2 no 19-01-00
Limes within the Rustington Conservation Area.

R/184/99/T	Judicious pruning of 4no.golden yews, 1no. english yew, 1no.thuja. Fell 2no.euonymous	ApproveConditionally 17-11-99
R/124/96/T	Fell one Strawberry tree and prune one Strawberry tree	ApproveConditionally 30-07-96
R/161/92/TC	Removal of Golden Yew Tree within the Rustington Conservation Area	No Objection 20-11-92
R/146/91/T	Lopping and removal of lower branches of 1 Strawberry Tree (the eastern one of the 2)	ApproveConditionally 14-10-91

Relevant planning history noted.

REPRESENTATIONS

Rustington Parish Council - No Objection.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Arun District Council - Tree Officer:

Although no reasons were given for the work, it is minor in nature and should not incur any loss of amenity value or diminish character of the surrounding area. It will ensure adequate overhead clearance for those visiting the churchyard and facilitate detailed inspection.

- T1 & T5 lime, T11 & T14 yew (TPO & Conservation Area applies)
Recommendation - Approve conditionally.

- All other trees in proposal (Conservation Area applies)
Recommendation - No Objection.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

Decision for trees that are only classed under the conservation area are considered and included as an informative in this application.

POLICY CONTEXT

Conservation area.

Listed building.

TPO on site.

Built-up area boundary.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice 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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the Tree Officer comments, it is recommended the proposed works be approved subject to the following informatives and conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010.
Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interests of the trees' continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 2 INFORMATIVE: See also the standard pruning guidance notes issued with the consent letter.
- 3 INFORMATIVE: It is recommended that No Objection be raised to the proposed works on trees:
-T3, T4, T6, T7, T8, T9, T12, T13, T15, T16, T17, T20, T21, T22 - Lime Tree (Tilia)
- T2 - Bay Tree
- T10 - Western Red Cedar
- T18 - Tulip Tree
- T19 - Yew Tree
- 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 0345 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.