

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** R/28/17/TC**LOCATION:** The Manor House
48 The Street
Rustington**PROPOSAL:** Various surgery to 1No. English Oak within the Rustington Conservation Area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The tree the subject of this application and various other trees.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Two storey dwelling.
CHARACTER OF LOCALITY	Predominantly residential with some commercial located to the west of the application site.

RELEVANT SITE HISTORY

R/47/88/T	Lopping of 6 Oak Trees on eastern boundary overhanging No. 50 The Street also Notice of Intention to lop 5 Poplar Trees in Designated Conservation Area.	ApproveConditionally 03-05-1988
R/12/92/TC	Notice of intent to fell 12 Macrocarpa trees within the Rustington Conservation Area	No Objection 19-02-1992
R/185/93/TC	Felling of 1 Sycamore, 3 Poplar and 5 Oak trees, reduce crown of 3 Oak trees, removal of dead wood of 1 Oak tree and light pruning of 2 Poplar trees within the Rustington Conservation Area.	No Objection 24-12-1993
PE/R/97/97/TC		No Further Actn 24-07-1997

None.

REPRESENTATIONS**Representations received:**

None received.

Conservation Area Advisory Committee:
No objection

Comments on Representations received:

Comments noted.

CONSULTATIONS

Arboriculturist
Conservation Officer

Consultations responses received:

Council's Tree Officer:

- This tree is a fine specimen located in the rear garden of this property where it is one of many such mature trees of varying species.
- The works applied for are very specific and do not require any height reduction to the tree.
- They specifically address ONLY the lateral spread to the north and northwest sides towards the adjacent off-site buildings.

Conclusions:

- It is reasonable to want to control this lateral spread and the works applied for are not excessive and will not adversely impact on the health and vitality or visual amenity value of this tree.
- This is certainly a tree that would merit a TPO but as the works do not threaten its health and vitality or visual amenity value there is no reason to seek to do so on this occasion.

Recommendations:

- I raise NO OBJECTION to the works as described in this application for the reasons stated above and would encourage them to have the works undertaken by a professional tree surgeon in accordance with the following guidelines:-
- 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.

- See also the standard pruning guidance notes issued with the consent letter.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to site:
Within built area boundary
Conservation Area
Tree Preservation Order
Listed Building Grade II

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 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 has been inspected by the Council's Tree Officer who has raised no concerns in relation to the proposed works and their impact upon the health and vitality of the tree. Therefore, it is recommended that no objection is raised

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.