

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

REF NO: R/295/14/T

LOCATION: Smugglers
4 Botany Close
Rustington

PROPOSAL: Clear surface roots only of 1 No. Monterey Cypress by a maximum of 3 m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The trees the subject of this application.
BOUNDARY TREATMENT	The front boundary consists of 1.8 metre high close boarded fencing.
SITE CHARACTERISTICS	The property is a detached two storey dwelling.
CHARACTER OF LOCALITY	The locality of the site is predominantly residential.

RELEVANT SITE HISTORY

None.

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:

Comments noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Council's Tree Officer:-

Comments:

- The outlined trees are situated in the private sea lane estate. This is an estate with a diverse mix of trees of varying ages and age classes.
- The applicant has requested to prune up to 3 meter surface root sections from beneath the 'slab' driveway.
- It is clear from the site visit that the root sections in outline for pruning are surface roots that

has been heavily calloused over. This effect can be attributed to the abiotic action caused by the use of the slab driveway by vehicles. This wounding has caused the large enlargement of these sections (due to the reactionary wood that has developed). It would therefore be a fair assumption that the ability of these roots sections to anchor and to take up water and nutriment.

- As the majority of the root mass is in the top 600 mm of soil, any excavation beyond the surface is likely to affect functioning root mass of T1.

Recommendation:

- As the sections of root outlined in the application are heavily calloused, and therefore most likely not severing as 'anchoring' and/or transportation of water/nutriment, I would have no objection to the removal of the surface roots that are located under the paved slabs of the driveway.

Conditions:

- The applicant is not to excavate within the RPA (root protection area) to expose further root sections.
- Only surface root sections located under the driveway are to be removed in this operation.
- No more than 3 meters sections of root mass are to be removed.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations Applicable to Site:
Tree Preservation Order

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 tree the subject of this application is located forward of the primary elevation of the property and is a prominent feature within the street scene.

The Tree Officer has examined the trees and identified that are heavily calloused, and therefore most likely not serving as 'anchoring' and/or transportation of water/nutrient. As such no objection is raised in relation to the proposed works although it is recommended that no excavation should take place in the top 600mm of soil.

Therefore, this application is recommended for approval subject to the below conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 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.

- 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.

- 3 The applicant is not to excavate within the RPA (root protection area) to expose further root sections.

Reason: In order to ensure a satisfactory standard of tree surgery to ensure the health and vitality of the trees.

- 4 Only surface root sections located under the driveway are to be removed in this operation and no more than three (3) metre sections of root mass are to be removed.

Reason: In order to ensure a satisfactory standard of tree surgery to ensure the health and vitality of the trees.

- 5 **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.

- 6 **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.