TREE WORKS CONSENT REPORT

REF NO: **R/3/10/T**

LOCATION: Various highway verges
Sea Estate
Rustington

PROPOSAL: Surgery to various trees on the Sea Estate

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Various trees within the Sea Estate, Rustington.
BOUNDARY TREATMENT	Open grass verges adjacent to the highway.
SITE CHARACTERISTICS	The trees are located on grass verges adjacent to the highways within the Sea Estate.
CHARACTER OF LOCALITY	The trees are located in a private residential estate of predominantly detached two storey dwellings.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Rustington Parish Council

Parish Council representation:
No Objection

Other representations:
None

Comments on Representations received:

Comment on Parish Council representation:
Noted

Comment on other representations:
None

CONSULTATIONS

Conservation Area Advisory Com

Horticulturist

Consultations responses received:

District Arboriculturist:
The proposals for the trees are quite acceptable and are in line with good maintenance to strengthen and enhance the future of the trees on this estate. I recommend the works be agreed.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

South East Plan:		
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN28	Trees and Woodlands

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, 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

This application seeks permission to perform works to various trees within the Sea Estate, Rustington.

The works proposed include a crown lift and/or reduction to most of the trees.

The trees are located adjacent to the highways of the estate, and make a significant contribution to the street scene. As such all works should be carried out for the purpose of good husbandry, in order to maintain the health and appearance of the trees.

The District Arboriculturist has been consulted and has raised no objection to the proposed works, advising that they are quite acceptable and are in line with good maintenance.

The application also seeks to fell two no. Leylandi trees, and one no. Pine tree. It is appreciated that these trees are not in good condition; there is a large split in the pine tree, they are not deemed to be of significant amenity value. As such it recommended that a condition ensuring the trees are replaced with suitable species be added to any approval.

It is therefore recommended that the application be granted consent subject to the following conditions:

RECOMMENDATION

APPROVE CONDITIONALLY

1 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 in accordance with policy GEN7 of the Arun District Local Plan.

2 The work hereby approved shall only involve that outlined in the schedule of works submitted with the application: SERA/Trees2009-2010/Table 1, received 7th Januray 2010.

Reason: In order to protect the health and appearance of the trees in the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

3 The applicant shall during the next planting season following the felling of the trees, the subject of this application, plant replacement trees of a species and maturity and in positions approved by the Local Planning Authority and under its supervision and in the event that any such trees die within five years following such planting shall replace them by similar trees in similar positions during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.

4 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 in accordance with policy GEN7 of the Arun District Local Plan.

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 amendd) 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.