

TREE WORKS CONSENT REPORT**REF NO:** R/6/12/T**LOCATION:** Elm Farm
34 The Street
Rustington**PROPOSAL:** Pollard 5no. Holm Oaks by approx. 9 metres**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Holm Oak trees subject of the application.
BOUNDARY TREATMENT	Flint wall and mature trees to front.
SITE CHARACTERISTICS	Detached grade II listed building.
CHARACTER OF LOCALITY	Residential, many trees within street scene. Rustington Conservation Area.

RELEVANT SITE HISTORY

R/179/89/T	Crown lift one Evergreen Oak tree	Approve Cond 04-09-1989
R/180/89/TC	Fell 23 Leylandi trees and carry out various tree works within the Rustington Conservation Area	Approve 04-09-1989
R/250/89/T	Fell one Evergreen Oak tree overhanging boundary wall to The Street (south aspect side)	Approve Cond 19-02-1990
R/173/97/T	Various tree surgery	Approve Cond 28-11-1997
R/24/00/T	Lopping of one Holm Oak Tree	Approve Cond 14-04-2000

REPRESENTATIONS**Representations received:**

Rustington Parish Council

No objection, subject to the approval of the Councils Arborist.

Comments on Representations received:

Noted.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Tree Officer:

The five Evergreen Oak trees as described within the application are in a poor condition and the proposed pruning work is acceptable. I would suggest a Condition for the re-pollard.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Conservation Area

Grade II Listed Building

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [AREA2](#) Conservation Areas

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1

Circular 36/78

XXX2

DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

TREES

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

TREES

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 seeks permission for works to pollard 5No. Holm Oak trees by 9m. The trees are significant to the visual amenity of the Conservation Area given their prominent siting.

It is suggested that the trees are in need of significant reduction given their structural stability and proximity to the highway. The Council's Tree Officer has agreed that the trees are dangerous and the works should proceed in accordance with a recommended condition.

It is therefore recommended that the application be approved subject to the following 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 works hereby approved shall involve the pollarding of 5 No. Oak trees by no more than 9 metres. The pollarding cut should be made above a height to retain existing foliage/budding growth. The individual pollard branch must be shortened above a suitable lateral branch or by retaining a 300-600mm length live stub. The final pruning cut must be clean, smooth and perpendicular to the direction of the pollard branch. (Reference: BS3998 (2010) Section 7.10)

All works shall be carried out in accordance with BS 3998: 2010 Recommendations for Tree Work.

Reason: To protect the visual amenity of the tree and to ensure a satisfactory standard of tree surgery.

- 3 **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.

- 4 **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.