

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

REF NO: AB/114/25/T

LOCATION: Martlets Court
Queen Street
Arundel
BN18 9NZ

PROPOSAL: 1 No. Macrocarpa (T1) removal of deadwood greater than 25mm and crown lift to a height of 4m. Crown lift 1 No. Holly and 1 No. Bay to a height of 4m and fell 1 No. Elder (G2). Fell 1 No. dead Elaeagnus (T3).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined within this application are located at Martlets Court.
SITE CHARACTERISTICS	Block of flats.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AB/101/24/T	Reduce overall size of the crown to a height of 5m and spread to 3m, remove stem growing towards the road sign back to the point of origin to 1 No Silver Birch.	ApproveConditionally 23-12-24
AB/135/22/T	1 No. Macracarpa (A on sketch plan) - Crown Reduction leaving final height at 14m and spread 8m (only spread will be reduced on this tree). 1 No. Holly Tree (B on sketch plan) - Crown Reduction leaving final height 7m and spread 4m. 1 No. Silver Birch Tree (C on sketch plan) - Crown Reduction leaving final height 8m and spread 6m.	ApproveConditionally 05-12-22
AB/130/20/T	Fell 1 No.Sycamore (T15) to ground level and fell 1 No. Bay (T17) to ground level. Replace with appropriate tree for small garden i.e. Amelanchier 'Robin Hill', Cornus mas, Malus trilobata, Crataegus 'Pauls's Scarlet'	ApproveConditionally 15-03-21
AB/131/20/TC	Various works to various trees (T1, T2, T10 and T18)	No Objection 15-03-21

Relevant planning history noted.

REPRESENTATIONS

Arundel Town Council - No response received.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

None.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

TREE OFFICER - T1 and holly G2 are subjects of a preservation order - TPO/AB/1/24 and TPO/AB/3/93 respectively. Other named tree types in G2 & T3, are not subjects of any Order or within a Conservation Area so need not be considered further.

The removal of deadwood is an exception. Prior notice to or consent from the local planning authority is not required.

T1 - the removal of small diameter branches only can achieve the desired maximum 4m of overhead clearance.

G2 - similarly, the removal of small diameter branches only is required.

The operations should neither incur undue harm to the vitality of these trees or loss of visual amenity.

Conclusions:

The proposed work is uncontroversial and should not incur harm to the trees or loss of visual amenity, if undertaken to a high standard and at the right time.

Recommendation:

We grant consent for this application subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Tree Preservation Order.

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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the tree officer, it is recommended consent be approved, subject to the following condition and informatives.

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
 - Part a) 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.
 - Part b) 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.
 - Part c) All pruning cuts shall not exceed 50mm in diameter.

Reasons: In the interests of the trees' continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2

INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), 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.
- 3

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.