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

REF NO: AB/121/22/T

LOCATION: Land to Rear of 22-50 Fitzalan Road
Arundel
BN18 9JS

PROPOSAL: 14 No. Weeping Willow trees crown reduction to height approx. 12m and spread approx. 4m on west side and 3m on east side.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The line of trees is behind the rear gardens of properties 22-50 Fitzalan Road.
SITE CHARACTERISTICS	The site is behind a row of dwellings, adjacent to the River Arun and the public footpath.
CHARACTER OF LOCALITY	Residential and riverside.

RELEVANT SITE HISTORY

AB/98/20/T	Fell 1 No. Weeping Willow tree (T1). Reduce lower easterly spread to 3m 1 No. Weeping Willow tree (T2) and reduce easterly spread to 3.5m 1 No. Weeping Willow tree (T3).	ApproveConditionally 21-10-20
AB/107/17/T	Crown reduction to past pruning points or 1.5m - 2m growth to 18No. Willow trees & 1No. Ash. Remove all dead growth & sever all ivy growth from around trunks.	ApproveConditionally 04-10-17
AB/139/10/T	Light pruning of lateral growth to 21 no. Willow trees	ApproveConditionally 08-02-11

Relevant planning history noted.

REPRESENTATIONS

Parish council - no response.

1no. letter of support from resident at 28 Fitzalan Road who raised the negative impacts of the trees upon residential amenity and also highlighted damage to property.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

I have considered this application by means of a desktop review. Previous consideration from site and familiarity with surrounding areas provides adeqaute insight to the proposal.

The applicant has employed Arun Tree Company Ltd. as agent, to prepare and submit a survey report and plan. This is comprehensive and includes a detailed work specification with satisfactory reasons given.

This established long (now sadly broken) line of trees help define the character of the area and provide significant visual amenity.

Conclusions:
The work proposed is justified on arboricultural grounds. These are high profile specimen trees of significant public and visual amenity and are to be selectively pruned to achieve a reasonable level of risk to residential property and with respect for natural tree form.

While a temporary loss of aesthetic value is inevitable; if the work is undertaken to a high standard and at the right time, then the trees should be able to remain a long-term visually interesting feature in the local landscape.

Recommendation:
I recommend CONSENT is granted subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Noted.

POLICY CONTEXT

Tree Preservation Order.
Built Up Area Boundary.
2km Buffer for Site of Special Scientific Interest.
Arun Valley IRZ.

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

It is considered that there are/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 conditions 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 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 interest 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

ADVISORY: The long-term health and vitality of willow trees can be adversely affected by significant pruning such as proposed. The optimum time for this work is during the late spring to summer period (May to August).

2 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.

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.