

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: AB/4/14/TC

LOCATION: Communal Courtyard
Ninevah Shipyard
Arundel

PROPOSAL: Reduce height and spread of 2 no Silver Birch trees by 1.5m overall within the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The trees are located in brick planters at the northern end of Nineveh Shipyard.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat, although the trees are in raised planters.
TREES	No other significant trees nearby.
BOUNDARY TREATMENT	Approximately 2 metre high brick wall marking the northern end of Nineveh Shipyard. The trees are adjacent to this wall.
SITE CHARACTERISTICS	Communal paved area.
CHARACTER OF LOCALITY	The site is located at the end of a cul-de-sac which is lined by terraces of three-storey buildings which are positioned close to the road, producing an intimate character to the built-up environment.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Arundel Town Council

None.

Comments on Representations received:

None.

CONSULTATIONS

Council's Arboriculturist
Conservation Officer

Consultations responses received:

COUNCIL'S ARBORICULTURALIST: I Approve of the works and whilst I see no reason to apply a TPO to control them I would advise that they revert to the 20% relative to the current size and

proportions of each tree rather than apply the 1.5m reduction and reshaping for both trees as they are significantly different in height and spread.

CONSERVATION AREA ADVISORY COMMITTEE: No comment.

Comments on Consultation responses:

Noted. Conditions can not be attached to a non objection towards works to trees in a Conservation Area. The purposes of the application is solely to determine whether the tree(s) concerned are worthy of TPO status and its associated extra protection, or not. The suggestion of the Arboriculturalist can be added as an informative but this does not carry any weight or have to be abided by.

POLICY CONTEXT

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

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 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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 trees in question are modestly sized ornamental trees that were planted as part of the Nineveh Shipyard Development. They help create a pleasant environment within the end of the street but have a negligible impact upon the wider Conservation Area due to their modest size. They are also positioned within brick planter and are close to residential development and, as such, it is expected that they would need to be worked upon fairly frequently.

Due to their modest size, low visual impact and proximity to residential buildings it is not considered that the trees subject of the application are worthy of Tree Preservation Order status and, therefore, no objections are raised against the proposed works.

RECOMMENDATION

NO OBJECTION

- 1 **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.
- 2 **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.
- 3 **INFORMATIVE:** The Council's Arboriculturalist has suggested that the trees are each reduced by 20% relative to their size rather than a blanket 1.5 metre reduction.