

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

REF NO: AB/55/15/TC

LOCATION: 35 King Street
Arundel

PROPOSAL: Shorten apical & lateral growth of 1No. Cherry Plum tree by 1m. Crown thin by 15% leaving a maximum wound of 25mm diameter within the Arundel Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	The site lies to the west of King Street and the land in this area rises from south to north.
TREES	The 1 Cherry Plum tree affected by this application.
BOUNDARY TREATMENT	The boundaries of the site at the rear are mainly wooden fencing, although there is some screen planting at the very rear of the site, including the subject tree.
SITE CHARACTERISTICS	The subject tree is located in the rear garden of this dwelling and is visible from surrounding development, which is mainly residential. The tree is not however generally visible to pedestrians or other users of from King Street to the east or Bond Street to the north.
CHARACTER OF LOCALITY	The character of the area is mainly established residential development. The site is within the conservation Area and no.35 is a Grade II Listed Building.

RELEVANT SITE HISTORY

AB/48/94/L	Application for Listed Building Consent for extension to rear of building to form utility room and bathroom.	ApproveConditionally 11-08-1994
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None.

REPRESENTATIONS

Representations received:
Arundel Town Council

Arundel Town Council raises no objection.

No representations have been received from nearby occupiers.

Comments on Representations received:

None.

CONSULTATIONS

Arboriculturist

Consultations responses received:

The Conservation Area Advisory Committee has no comment(s).

The Councils Tree Officer comments:

- The tree cited in this application is located in the rear garden of 35 King Street. This tree does not have a TPO order; however it does lie in a conservation area.

- The applicant has outlined the desire to reduce the apical & lateral growth of T1 by 1m, also to thin the crown by 15%. It is clear that the proposed pruning operations are designed to prevent conflict with the extremities and surrounding dwellings. This action is likely to prevent wounding to the limbs through physical conflict, and therefore reduce the chance of pathogens becoming established.

- The outlined operations are unlikely to have a lasting negative impact on the form, condition, and or the aesthetic value offered by T1.

Recommendation:

- I have no objection to the proposed operations of reducing the apical and lateral growth by 1 meter, and a crown thin of no more 15% only.

The Councils Tree Officer requests that the applicant be advised of the following:

Crown Reduction

All side branches to be retained should be at least 1/3rd in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 100mm in diameter.

Crown Clean

The Crown Clean should consist of deadwood and stub removal where all cuts should be made to the branch collar. Where crossing branches are encountered the weaker branch/branches should be reduced or removed to avoid contact between them. The remaining branch/branches should be shortened as appropriate to relieve 'end weight' and sudden exposure by reducing the leaf bearing branch tips by no more than 30%.

Both advisories are requested in the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

Comments on Consultation responses:

Noted and the Tree Officer's advice can be included in an informative.

POLICY CONTEXT

Within Built Up Area
Conservation Area

Grade II Listed Building

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

POLICY COMMENTARY

The above policies are general and, other than Planning Practice Guidance under references ID 36-090-20140306 and ID 36-091-20140306, 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

This tree is located to the rear of dwelling and of amenity value to the occupiers of application dwelling and the occupiers of surrounding development. The tree also contributes to the appearance of the area, the appearance of the Conservation Area and the setting of the rear of the Listed building. It is however not generally visible from the wider area. These works are considered to be acceptable and not to result in detriment.

The works proposed are a part of a maintenance regimen and are considered to be reasonable and acceptable.

The tree has not been judged to be suitable for a Tree Preservation Order and as such there can be no objection to the works specified on these grounds. These works are in any event considered to be acceptable and not to result in detriment to the tree.

Therefore, it is recommended that no objection is raised in relation to 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 Tree Officer has requested that the applicant is advised of the following:

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