

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** AB/67/12/TC**LOCATION:** 28 Martlets Court
Queen Street
Arundel**PROPOSAL:** Surgery to various trees within the Arundel Conservation Area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	n/a
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	n/a
SITE CHARACTERISTICS	3 storey block of flats.
CHARACTER OF LOCALITY	Residential and commercial uses surrounding the site. Conservation Area.

RELEVANT SITE HISTORY

AB/97/03/T	Surgery to various trees	Approve Conditionally 23-07-2003
AB/121/03/TC	Surgery to various trees within the Arundel Conservation Area	No Objection 29-08-2003
AB/144/04/TC	Fell 1 no. Birch tree within the Arundel Conservation Area	Objection 29-10-2004
AB/132/06/TC	Fell one Cherry tree and raise the lower crown of one Ash tree. Within the Arundel Conservation Area	No Objection 07-11-2006
AB/133/06/T	Dismantle and fell 1 No. Holly (Ilex Aquifolium) tree	Refused 07-12-2006
AB/32/07/T	Fell Holly tree and reduce Bay tree by 50%	Approve Conditionally 27-04-2007

AB/27/07/T	Felling of 1No Macrocarpa, 2No Sycamore	Inc Docs Ret'nd 02-05-2007
AB/42/09/T	Surgery to various trees	Approve Conditionaly 12-06-2009

REPRESENTATIONS

Representations received:

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Councils Arborist:

The majority of the requested work would appear to be acceptable if carried out within the remit of the applications specification. However the proposed thin by 15-20% of the Sycamore tree shown as T5 on the applicants plan is regarded as excessive.

Recommendation:

The Sycamore tree (T5) provides good amenity and it is recommended that it is protected with a Tree Preservation Order.

Conservation Area Advisory Committee:

No objection.

Comments on Consultation responses:

Comments noted. It has been agreed that the Sycamore tree referred to above is identified as T4 on the submitted plan with T5 relating to a Bay tree. Accordingly the Sycamore tree (T4) has been made the subject of a Tree Preservation Order.

POLICY CONTEXT

Designation Applicable to Site:

Conservation Area

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

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 Sycamore tree identified as T4 on the submitted notification is a visually prominent tree when viewed from the Queen Street bridge and High Street. Its amenity value is therefore significant which together with the excessive works proposed, means that it would warrant the protection of a Tree Preservation Order to ensure its continued amenity value.

The proposed works to the other Sycamore (T2), Holly, and Bay trees are minimal and would not affect their amenity value. The works to the Macrocarpa suggest a greater reduction; however given the current size of the tree and the overshadowing nature, the reduction would be acceptable and ensure its amenity value is also maintained.

It is therefore considered that an objection should be raised towards the works proposed to the Sycamore tree (T4) on the grounds of the detrimental impact it would have upon the amenity value of the Sycamore tree and, subsequently, the visual quality of Arundel Conservation Area.

RECOMMENDATION

OBJECTION

- 1 **INFORMATIVE:** The works to the Macrocarpa (T1); Sycamore (T2); Holly (T3); Bay (T5) and Sycamore (T6) can proceed as per the notification.

The Tree Preservation Order relates to the Sycamore tree identified as T4 on the submitted application.

- 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 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.