

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

REF NO: AB/74/20/T

LOCATION: Land adjacent to Dalloway Road
Arundel Road
West Sussex
BN18 9HJ

PROPOSAL: Fell 3 No. Ash trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is situated on the Land adjacent to Dalloway Road Arundel Road.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.
Relevant Planning history noted.	

REPRESENTATIONS

No objection from Parish Council.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

T66 & T67 - Outwardly both trees appear generally stable, although they exhibit low crown density and carry a high percentage of deadwood suggesting a poor physiological state. These are woodland fringe trees, of asymmetric form and lean towards/over rear garden of 1 Birch Close.

· T70 - Outwardly appears generally stable, although an established decay event has colonised the main stem. Fresh brackets (susp. *Inonotus hispidus*) have emerged between 4 and 8metres height. Previously identified 2017 by Arboricultural Consultant. Structural integrity may well be substantially compromised. A more compact crown and enjoys shelter from surrounding trees. Crown density is moderate, upper crown shoot extension is poor.

· These trees are visible from adjacent properties and in part from the public highway. As such, they have some amenity value, but more importantly are ecologically valuable constituents of this Ancient Woodland.

Conclusions:

· The work proposed is necessary to remove the hazard of whole tree or large part failure, with

associated risk of significant harm to persons or property. As such, it is justified on arboricultural grounds.

· There will be no significant loss of public amenity on completion of the proposed works although an ecological deficit will be incurred.

Recommendations:

· I recommend CONSENT for this application, subject to the following condition

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up Area Boundary

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

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 All finished tree stumps are to be left at a safe height or near to ground level and untreated, with the exception of T70 that must be left with an untreated standing stump of minimum 2m height above ground level.

Reasons: To accord with current industry guidelines and sound arboricultural practice in general.

- 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.