

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

REF NO: AB/84/14/T

LOCATION: Land to the rear of
20-50 Fitzalan Road
Arundel

PROPOSAL: Fell 3 No Willow trees and various other surgery to 18 No Willow trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The trees are on land owned by the Environment Agency.
SITE AREA	n/a
TOPOGRAPHY	Predominantly flat
TREES	The trees that form the subject of this application.
BOUNDARY TREATMENT	A grassed earth bank lies between the trees and the River Arun and the backs of property boundaries mainly comprising of wooden fencing is located on the other side of the tree line.
SITE CHARACTERISTICS	The trees are located in a line to the rear of properties nos. 20-50 Fitzalan Road and in some cases overhangs these boundaries. They are situated on an area of land that effectively forms the riverbank with an elevated grass ridge buffering them and the River Arun.
CHARACTER OF LOCALITY	Residential in character. There are other visually significant trees within the street scene.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Arundel Town Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Council's arboriculturalist

No objection.

Given the growth habit of Willows and their vigorous response to a heavy reduction, it is permissible to allow the requested works. The trees to be felled are beginning to get suppressed by neighbouring trees and this work should be granted.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The policies in the Arun District Local Plan are general and, other than National Planning Practice Guidance under References ID: 36-001-20140306, 36-008-20140206 and 36-012-20140306 accessed on-line on 06-08-2014, 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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

This application seeks permission to carry out various surgery to 18no. Willow trees and to fell 3no. Willow trees.

The trees form a line to the rear of properties nos. 20-50 Fitzalan Road on an area of land next to the River Arun. Due to their height, crown spread and number, these trees contribute to the appearance of the street scene, although not at a significant level principally due to being partly hidden by the property row. It is considered that the felling of 3no. Willow trees (T9, T16 and T20) will not adversely affect the visual amenity of the surrounding area due to the large number of remaining trees.

There has been no objection from the Council's arboriculturalist to the works who considers that given the growth habit of Willows and their vigorous response to a heavy reduction, it is permissible to allow the requested surgery which in some cases is a 35% reduction of the crown. The trees to be felled are beginning to get suppressed by neighbouring trees and this work is also considered to be granted permission.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works hereby approved shall consist of the requested surgery to 18no. Willow trees identified in the submitted tree report dated 25-06-2014 and the Block Plan and the felling of 3no. Willow trees with references T9, T16 and T20 as shown in the Block Plan submitted with the application.
- 2 **INFORMATIVE:** The applicant is advised to examine the Council's arboriculturalist consultation response in respect to the works. This includes advice that where whole branches are to be removed, final cuts close to the trunk or branch union are to be made in accordance with BS3998:2010 and adjacent to a live bud or lateral. 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%. Further advice is contained within the arboriculturalist's consultation response.
- 3 **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.
- 4 **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.