

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

REF NO: AB/86/17/T

LOCATION: 9 Penfolds Place
Arundel

PROPOSAL: 2m Height and 1m Lateral reduction to 1No. Hornbeam.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 9 Penfolds Place, Arundel.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AB/80/92/T	Lopping and pruning of 1 Oak and 1 Hornbeam tree.	ApproveConditionally 15-12-1992
AB/83/99/T	Tree surgery to 7 no. Hornbeam trees	ApproveConditionally 10-09-1999
AB/100/00/T	Lopping 4 no. Hornbeam trees and felling 1 no. Hornbeam tree	ApproveConditionally 05-10-2000
AB/38/02/T	Application to fell one large hornbeam tree	ApproveConditionally 12-08-2002

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Arundel Town Council

Parish Council - Objection - Insufficient evidence as to why works need to take place.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

T1 Hornbeam *Carpinus betulus* Height = 14m Avge spread = 4m Age = Early Mature

- This tree is sound and healthy and a fine specimen that makes a significant contribution in the landscape.
- The removal of 2m height will be acceptable as it controls growth habit without adverse impact on health and vitality or visual impact.
- The removal of 2m lateral spread equates to 50% which significantly exceeds the 30% recommended under BS3998.

Conclusions:

- I am happy with the height reduction but the lateral spread reduction requested is excessive and would undermine this trees visual amenity value.

Recommendations:

- I recommend REFUSAL for the tree works as described in the application.

ADVISORY :

I recommend that the applicant re-submits seeking the following works:-

1. Height reduction by a maximum of 2m.
2. Lateral spread reduction in a balanced way to a maximum extent of 1m.

Comments on Consultation responses:

Comments noted, the agent was contacted with regard to the change of description and accepted.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Following the tree officers comments and the resultant change of description, it is recommended that consent be granted subject to the following 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

In assessing this proposal neutral 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).

RECOMMENDATION

APPROVE

- 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.