

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

REF NO: AB/98/20/T

LOCATION: Rear of 28 - 50 Fitzalan Road
Arundel
BN18 9JS

PROPOSAL: Fell 1 No. Weeping Willow tree (T1). Reduce lower easterly spread to 3m 1 No. Weeping Willow tree (T2) and reduce easterly spread to 3.5m 1 No. Weeping Willow tree (T3).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees are situated on land at the rear of 28-50 Fitzalan Road.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.
None.	

REPRESENTATIONS

No comments from Parish Council.
No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

The applicant has employed Arun Tree Company Ltd as agent, to prepare and submit a tree survey and plan. This is comprehensive and includes a detailed work specification with satisfactory reasons given for each item.

Those trees are important constituents of a long line of established weeping willow. This is a visually impressive feature of notable landscape value and the subject of a Tree Preservation Order.

Conclusions:

The work proposed is justified on arboricultural grounds.

There will be no significant loss of public amenity on completion of the proposed works although it should be noted that the demise and subsequent removal of T1 will diminish the group feature. A duty exists in law to secure an appropriate replacement.

Recommendation:

I recommend CONSENT for this application, subject to the following conditions:

Conditions to Be Applied to Approved Work: -

Condition 1

Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010

Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Condition 2

Once the tree (T1) has been felled (and either grubbed or ground out) then a replacement tree is to be planted in the same place or nearby and to within 3metres. This is to be of Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short stake' system with appropriate securing ties and pads. It is to be planted within 12 months of the removal of the willow tree.

The species shall be of the following type: -

Weeping willow, golden / *Salix x sepulcralis* var. *Chrysocoma*

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 (granted), 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 Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: To accord with current industry guidelines and sound arboricultural practice in general.
- 2 Once the tree (T1) has been felled (and either grubbed or ground out) then a replacement tree is to be planted in the same place or nearby and to within 3metres.
This is to be of Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short stake' system with appropriate securing ties and pads.
It is to be planted within 12 months of the removal of the willow tree.
The species shall be of the following type: -
Weeping willow, golden / *Salix x sepulcralis* var. *Chrysocoma*

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