

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

REF NO: **AW/102/12/T**

LOCATION: 21 Rucrofts Close
 Bognor Regis
 West Sussex

PROPOSAL: 3m Crown Reduction of 1 no. Monterey Pine tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Monterey Pine tree the subject of this application but various trees within and around the site.
BOUNDARY TREATMENT	Open to the highway, close boarded fencing to sides and rear.
SITE CHARACTERISTICS	Semi-detached two storey property with garage on side and attached to garage of No 23. The property has light red brickwork, brown tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential comprising detached bungalows and two storey dwellings of various styles and designs.

RELEVANT SITE HISTORY

AW/2/09/T	Crown reduction by 30% to two Horse Chestnut, one Lombardy Poplar and one Copper Beech.	Refused 27-02-2009
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REPRESENTATIONS

Representations received:

No objection

Members agreed that the Arun Arboriculturist is consulted regarding this application and that his professional recommendations/decision is applied.

Comments on Representations received:

Noted.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Council's Arboriculturist

I have visited the site and inspected the Monterey Pine tree. The tree is located in a remote location to the rear boundary of a long garden, away from property and adjacent to a ditch. It appears to have suffered with damage by high winds causing a large low primary branch to fracture leaving a protruding stub. Another primary branch has split above. Overall the tree appears to be in good health and anchored firmly in the ground. There is no justification to have the tree felled. Deadwooding does not require formal planning consent. However, it is recommended that the crown connected to the affected/split primary branch is reduced to prevent the tree from becoming overly damaged and unbalanced by its loss.

Comments on Consultation responses:

Comments noted

The applicant has been consulted and has agreed to retain the tree and accepts the recommendation by the Council's Arboriculturist.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Tree Preservation Order 2/58

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

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 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

The Monterey Pine tree which is sited in the rear garden is the subject of Tree Preservation Order AW/164/10. The tree which is sited adjacent to a ditch is not readily visible from the front of the

site in Rucrofts Close but visible to the rear in Aldwick Gardens and is of public visual amenity.

The application seeks to fell the tree as it appears to be in a poor state of health and has suffered damage by high winds. The Council's Arboriculturist has inspected the tree and has confirmed that the tree has suffered damage by high winds causing a low primary branch to fracture leaving a protruding stub but overall the tree appears to be in good health and anchored firmly in the grounds. He has recommended the reduction of the crown associated with the affected split primary branch be carried out with the removal of any deadwood. The applicant has been consulted and has confirmed that the proposed surgery is acceptable.

It is therefore recommended that the application be approved, subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 2 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

- 3 The works hereby approved shall involve:

Monterey Pine - The reduction of the crown associated with the affected split primary branch must not exceed lengths of 3m or 1/3rd of the foliage volume. The branch removals should leave healthy substantial leaf bearing side branches. All side branches to be retained should be at least 1/3rd in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 150mm in diameter. All works shall be carried out in accordance with BS3998:2010 Recommendations for Tree Work.

Reason: To ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity.

- 4 **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.

- 5 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.