

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

REF NO: **AW/114/12/T**

LOCATION: 10 Nuffield Close
 Bognor Regis

PROPOSAL: Removal of 3 lower branches to 1 No Corsican Pine tree and removal of dead side branches to 2 No Corsican Pine trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Row of mature Pine Trees on the rear boundary.
BOUNDARY TREATMENT	None to front. Mature Pine Trees on the rear boundary.
SITE CHARACTERISTICS	Detached modern bungalow.
CHARACTER OF LOCALITY	Residential cul-de-sac comprising detached modern bungalows of identical character.

RELEVANT SITE HISTORY

AW/83/90	Bedroom and Bathroom extension	Approve Conditionally 16-07-1990
BR/101/72	Addition of 2 bedrooms	Approve Conditionally 27-03-1972
BR/532/76	Proposed porch	Approve Conditionally 05-10-1976
BR/491/80	Porch	Approve Conditionally 09-07-1980

REPRESENTATIONS

Representations received:

Aldwick Parish Council

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:

Comments noted.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Arboriculture: No objection, subject to conditions. I have visited the site and identified the Pine Tree shown as T1 on the applicant's location plan. There are three limbs which hang low and partly over the applicant's small shed. The removal of these three branches as pictured in the application would not be detrimental to the tree's health or detract from its visual amenity. If carried out to BS3998 (2010) in accordance with the principles of 'natural target' pruning, then I find the above work acceptable.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

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 Corsican Pine Trees are located on the rear boundary of the property at No. 11 Nuffield Close. The trees are protected by TPO AW/2/58 and TPO AW/57/10.

The 3no. Corsican Pine Trees form part of a group of Pine Trees at the rear of Nos 10,15 and 11 Nuffield Close that collectively make a significant contribution to public amenity. The trees are

visible from Nuffield Close and Lower Bognor Road to the rear.

The Council's Arborist has inspected the site and comments that the proposal to remove three limbs overhanging the boundary to No. 15 would not be detrimental to the tree's health or detract from its visual amenity. No objection is raised to the removal of side branches to trees T2 and T3.

It is therefore recommended that consent is granted, subject to the conditions outlined below.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 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 in accordance with policy GEN7 of the Arun District Local Plan.

- 2 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.

- 3 The top edge of the final pruning cut must be outside of the basal flare of the branch being removed where it meets the main stem.
The cut must be at right angles to the grain and direction of the branch.
The pruning wound surface must be smooth.
The pruning wound must be kept as small as possible.

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

- 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.