TREE WORKS CONSENT REPORT

REF NO: AW/200/08/T

LOCATION: 4 Lucerne Court
Bognor Regis

PROPOSAL: Application to cut back 1 no. Ash tree to the border of no. 2 Lucerne Court or to a suitable node of the branch.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fence
SITE CHARACTERISTICS	Detached property within grounds
CHARACTER OF LOCALITY	Residential suburb. Properties of various styel and design

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Aldwick Parish Council: No objection

Comments on Representations received:

Noted

CONSULTATIONS

Horticulturist - Mr Everson

Consultations responses received:

District Arboriculturist: No compelling reason to do anything to this tree apart from raising the lower canopy by 2.5m and thin the rest of the crown by 10% as applied for. In addition to which an overall reduction by 10% would be permitted to reduce any overhang of adjoining property.

Comments on Consultation responses:

Noted. Since the application is to cut back overhang the works are acceptable.

POLICY CONTEXT

Designation applicable to site:
Within built up area boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan:	LOC1	Locational Strategy
	DEV1	High Quality Development
Arun District Local Plan:	GEN7	The Form of New Development

PLANNING POLICY GUIDANCE

	PPS1	Delivering Sustainable Development

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPO's, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town aand 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

Although located off the immediate road frontage, the tree contributes to the visual amenities of the locality. The proposal is considered acceptable as the extent of works would not adversely impact upon the visual amenity of the tree from public vantage points within the locality. It is therefore recommended that consent be granted, 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 policies DEV1 of the West Sussex Structure Plan and 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 in accordance with policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

3 The works hereby approved shall involve only cut back of the overhang to the adjoining property or to a suitable node of the branch of 1no. Ash tree to the border of no. 2 Lucerne Court. All works shall be carried out in accordance with BS 3998: 1989 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy DEV1 of the West Sussex Structure Plan and policy GEN7 of the Arun District Local Plan.

4 INFORMATIVE: The applicant should note that under part 1 of the Wildlife & 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 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 the tree 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.