

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

REF NO: **AW/224/13/T**

LOCATION: 16 Margaret Close
 Bognor Regis

PROPOSAL: Reduce height and spread of 1No Quercus Ilex by 3 metres

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	There are a number of mature trees positioned in a cluster on the verge to the front of the site. The trees are interspersed with hedging and shrubbery.
BOUNDARY TREATMENT	The tree is on an unfenced verge to the front of the site.
SITE CHARACTERISTICS	Detached dwelling to the south of the tree with hard surfaced parking and detached garage to the front.
CHARACTER OF LOCALITY	The site is located on a residential cul-de-sac which is bordered by an informal arrangement of residential dwellings that are surrounded by grass verging and mature landscaping which helps generate a verdant character and appearance.

RELEVANT SITE HISTORY

AW/108/02/T	Works to various trees	ApproveConditionally 12-08-2002
AW/113/13/T	Reduce crown of 1No. Aesculus Hippocastanum (Horse Chestnut) in NW corner of garden by two metres height and up to three metres spread.	ApproveConditionally 12-07-2013

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.

One letter of support: The tree referred to in the letter was a pine tree that is subject of a

report

separate application.

Comments on Representations received:

Noted.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

I have noted the lean of the Evergreen Oak across the drive. The reduction as specified in the application is appropriate and acceptable. A further reduction of the other adjacent trees should be considered to allow for the successful regrowth of the evergreen Oak and to reduce competition for light which had initially stimulated sideways growth.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Tree Preservation Order

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 Ilex tree plays an important contributory role in generating the overall verdant character and appearance of the surrounding area due to its stature, close proximity to the road and the screening of the built environment which it provides.

The Ilex is positioned amongst a cluster of trees which appear to be competing for space. The proposed reduction will prevent the tree from becoming overly dominant and ensure that it

continues to integrate within the surrounding environment.

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

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 for 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 it has been determined that its approval would result in a neutral impact 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 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.

- 2 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.
- 3 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.