

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** AW/226/17/T**LOCATION:** 5A Balmoral Close
Bognor Regis**PROPOSAL:** Crown Reduction to 8No. Holm Oaks along eastern boundary by 2 metres.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

As above.

TREES

The trees outlined in this application are located on the land at 5a Balmoral Close, Bognor Regis.

SITE CHARACTERISTICS

Dwelling.

CHARACTER OF LOCALITY

Residential.

RELEVANT SITE HISTORY

AW/112/92/T	Lop or top 7 evergreen holm oaks and one may tree	ApproveConditionally 11-08-1992
AW/48/10/T	Application for tree works to reduce the crown and side branches of 1no. Sycamore tree.	ApproveConditionally 19-05-2010
AW/294/12/T	Top and lop by 4-5m to remove new growth to 8 No Holm Oak trees and lop 1 No Holm Oak tree by 2-3m back to the boundary fence.	ApproveConditionally 02-01-2013
AW/213/85/T	Lopping of branches overhanging the garden of 18 Stanmore Gardens	ApproveConditionally 15-01-1986
BR/909/84/T	Lop low branches of 7 Evergreen Oak trees	ApproveConditionally 14-11-1989

Relevant planning history noted.

REPRESENTATIONS**Representations received:**

Parish Council - No objections.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer Comments

Holm Oaks

- These are relatively small trees located along the eastern boundary of the property
- Have been topped out in the past and are generally in fair condition and make a significant impact in the landscape.

Conclusions

- The reduction of these trees by 50% in one go would be detrimental to their visual impact in the landscape and leave mostly stumps devoid of foliage
- This would be excessive in my view and a less drastic solution is advised.

Recommendations

- I object to the reduction in height and spread by 4m and recommend refusal of this application.

Advisory

- The applicant is encouraged to re-apply for a 2m maximum reduction.

Conditions to be applied to the revised application

- Where branches are 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 and MUST NOT exceed 50mm diameter

Reasons

- In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- See also the standard pruning guidance notes issued with the consent letter.

Comments on Consultation responses:

Comments noted, the applicant was contacted with regard to the change of description and accepted.

POLICY CONTEXT

Within Built Up Area

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
National Planning Practice Guidance

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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Following the comments from the tree officer and the resultant change of description, it is recommended that consent be approved 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

In assessing this proposal neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 - 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 and MUST NOT exceed 50mm diameter.

Reasons : In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 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.