

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

REF NO: AW/249/19/T

LOCATION: Robinel
2 Fernhurst Gardens
Bognor Regis
PO21 4AZ

PROPOSAL: Fell 1 No. Sycamore tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the grounds of Robinel, 2 Fernhurst Gardens.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/47/14/T	Fell 1 No. Macrocarpa tree in front garden.	Refused 24-04-14
AW/85/11/T	Crown clean, remove deadwood material over 25mm in diameter & any storm damaged branches & lateral prune to source 1 no. limb at 14m heading south west over drive to 1 no. Monterey Cypress by drive entrance	ApproveConditionally 31-05-11
AW/249/10/T	Reduce 6 No Pittosporum Trees by 50%	Approve 08-12-10

Relevant planning history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council
No Objections

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

This tree grows along the boundary of the property and is prominent roadside. It can be seen from surrounding properties and the public highway (footway and carriageway).

It appears outwardly and from a distance to be in a fine physiological state and with attractive crown profile, having developed multiple stems from near ground level. As such, it has public amenity value.

On closer inspection, it is clear that one of the stems has fractured and detached - it is being supported from falling by an adjacent tree. There is an established and ongoing significant decay event evidenced by large fungal brackets, which has the potential to affect adjacent stems (if not already).

· There exists a duty to replant should this application be approved. The applicant has proposed to replant nearby with a hornbeam; a welcome and complementary tree type.

Conclusions:

· The work proposed is justified on arboricultural grounds. The structural integrity of the whole is most likely to be compromised to the extent that it presents an unacceptable level of risk for its location, therefore it is prudent to carry out the proposed work.

· There will be some loss of public amenity on completion of the proposed works, although there is a healthy population of adjacent trees which should flourish and alongside the replacement specimen tree provide adequate long-term compensation.

Recommendations:

· I recommend CONSENT for this application, subject to the following condition:

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Pagham Harbour Zone B
Within the Built Up Area Boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF National Planning Policy Framework

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

CONCLUSIONS

Following the comments from the Tree Officer, it is recommended consent be

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

Duty under the Equalities Act 2010

In assessing this proposal the following 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).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

1 Condition to Be Applied to Approved Work: -

1. Once the tree has been felled (and either grubbed or ground out) then a replacement tree is

to be planted in the same place or nearby and to within 4metres. This is to be of Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short stake' system with appropriate securing ties and pads.

It is to be planted within 12 months of the removal of the sycamore tree.

The species shall be selected from the following:-

Hornbeam *Carpinus betulus*
Field maple *Acer campestre*
Wild cherry *Prunus avium*

Reasons: To accord with current industry guidelines and sound arboricultural practice in general.

- 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.