

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

REF NO: **AW/265/12/T**

LOCATION: 4 Lucerne Court
 Bognor Regis

PROPOSAL: Various surgery to 1no. Ash tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Close boarded fencing.
SITE CHARACTERISTICS	Detached property with integral garage.
CHARACTER OF LOCALITY	Residential comprising detached two storey of similar style and appearance.

RELEVANT SITE HISTORY

AW/169/08/T	Lift lower canopy to 2.5m from ground, crown clean canopy and thin by 10% semi-mature Ash Tree in rear garden.	Approve Conditionally 17-09-2008
AW/200/08/T	Application to cut back 1 no. Ash tree to the border of no. 2 Lucerne Court or to a suitable node of the branch.	Approve Conditionally 14-10-2008

REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection

Members agreed that the Arun Arboriculturist is consulted and that his recommendation/decision is applied.

1 Letter of Objection

The West Sussex Wildlife Protection Group opposes the application on the basis that no surgery to the tree unless dead or dangerous.

Comments on Representations received:

See Arboriculturist's comments.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist

The Ash tree is located to the rear of properties. The tree work described within the application has been carefully worded and is acceptable. There should be no deviation beyond the specification which the tree surgeon has recommended.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Tree Preservation Order 2/58

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 tree is located within the rear garden and is not readily visible from the front of the site but is visible from neighbouring gardens to the rear.

A previous application AW/200/08/T for surgery was approved on the 14th October 2008. The application which has been submitted by a tree surgeon seeks to crown thin and lateral prune.

The Arboriculturist has raised no objection to the proposed surgery. It is therefore recommended that the application be approved, subject to 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.

- 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.

- 3 The works hereby approved to the Ash tree shall involve:

Shorten lateral spread by a maximum of 1m - current spread below

14m heading E-W

14m heading N-S

This will be achieved via shortening longest leaders from the N,S and E aspect - no branches will be shortened from the W aspect.

Final crown spread

13m heading E-W

12m heading N-S

Lateral prune to source 1 x 90mm diameter limb at 4.5m heading NE over shed.

Lateral prune to source 1 x 150mm diameter limb at 4.5m heading E over hedge.

Lateral prune to source 1 x 100mm diameter limb at 3m heading SW.

Crown thin by 10% the N Section only.

Remove deadwood, rubbing and diseased branches.

Uplift lower limbs on the E and S sectors to match the remaining lower canopy.

Low canopy on sector over lawn to remain.

All works shall be carried out in accordance with BS3998:2010 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

- 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.