

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

REF NO: AW/273/17/T

LOCATION: Verge of 79 The Fairway
Aldwick Bay Estate
Bognor Regis

PROPOSAL: Reduction of 1No. Eucalyptus tree by 1-2m to previous pollard points & removal of epicormic growth. Reduction of 5No. Poplar Lombardy trees by 2-3m to previous pollard points

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above.

TREES

The tree outlined in this application is located on the land in front of 79 The Fairway and in the footpath adjacent to Regis Avenue.

SITE CHARACTERISTICS

Dwelling.

CHARACTER OF LOCALITY

Residential.

RELEVANT SITE HISTORY

AW/214/99/T	Lop one Horsechestnut tree	ApproveConditionally 21-01-2000
AW/277/04/T	Reduction in height of 1 Horse Chestnut tree	ApproveConditionally 16-02-2005
AW/225/06/TC	Top 1 no. Eucalyptus tree by 25% within the Aldwick Bay Conservation Area	No Objection 13-10-2006
AW/78/11/T	Crown lift to three metres and reduction of large lower boughs of lower crown by 3-4metres to follow upper crown profile of one no. Eucalyptus tree.	ApproveConditionally 23-05-2011

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Parish Council - No response.

CAAC - No comment.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Tree Officer -

Gum Tree Eucalyptus spp. Height - 12m Avge Spread - 5m Age - Semi-Mature

- A visually highly significant tree in the landscape that is sound and healthy.
- This tree has been reduced and reshaped in the past.
- Covered in epicormics and dense regrowth from previous pruning operation.

5 x Lombardy Poplars Populus nigra 'Italica' Height - 15m Avge Spread - 2.5m Age - Early-Mature

- Highly visible and prominent trees in the landscape that are healthy and vigorous.
- Previously topped out at around 10m and this would be a repeat of that exercise.

Conclusions:

Gum Tree - Reduction by 1.5m overall to previous pruning points and removal of all epicormic growth has been requested and this is reasonable and acceptable.

5 x Lombardy Poplars - Reduction down to previous pruning points has been requested which is reasonable and acceptable.

Recommendations:

I recommend APPROVAL of this application as follows:-

Gum Tree - Reduce in height and lateral spread down to the level of the previous pruning cuts and no lower with a maximum branch diameter of 75mm being removed + remove all epicormic shoots from the trunk and main branches.

(5) Lombardy Poplars - Reduce in height down to the level of the previous pruning cuts and no lower with a maximum stem diameter of 150mm being removed.

Conditions To Be Applied to All Approved Works: -

- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
- 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.

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

Comments on Consultation responses:

Comments noted.

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

It is recommended that consent be granted 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 whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010.
 - 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.

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.