

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** AW/284/13/T**LOCATION:** Various verges within Kingsway
Bognor Regis**PROPOSAL:** Fell 1 No. Golden Leylandii tree. Crown lift lower canopy of 1 No. Lime tree by 2 metres (over road only). Remove 3 lowest limbs (20-25cm in diameter) of 1 No. White Poplar & prune off sucker growth. Reduce & reshape 1 No. Wingnut by 1 metre all over**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
TOPOGRAPHY	All four sites are predominantly flat grass verges albeit that some slope slightly towards the road.
TREES	No other trees are affected by the proposed development.
SITE CHARACTERISTICS	The four locations are all grass verges within the Craigweil Private Estate. All are grassed and located between existing residential curtilages and the road.

RELEVANT SITE HISTORY

AW/42/96/T	Surgery to various trees	ApproveConditionally 15-05-1996
AW/139/09/T	Reduce crown of 1x Oak tree by approx 15%, balance crown & remove deadwood	ApproveConditionally 18-09-2009
AW/179/12/T	Various surgery including the felling of 2no. mature Acer trees & 1no. Hawthorn tree	ApproveConditionally 26-09-2012
AW/273/12/T	Crown thinning by 30%, crown lifting by 2m and crown reduction by 20% to 1No. Horse Chestnut tree.	Refused 04-12-2012
AW/193/13/T	Fell 1 No. Purple Plum Tree, fell 1 No. Malus and fell 1 No. Hawthorn	ApproveConditionally 15-10-2013
BR/203/81/T	To prune 50 trees	ApproveConditionally 15-04-1981

Planning permissions have previously been granted for works to or the felling of trees within the 'common' areas of this private estate.

REPRESENTATIONS

Representations received:

Aldwick Parish Council

Aldwick Parish Council - Members agreed that the Arun Arboriculturist is consulted regarding this application and that his professional recommendations/decision is applied.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist

Conservation Officer

Consultations responses received:

Council's Arborist - No objection to the proposed works to the Lime (T1), White Poplar (T2) or the felling of the Golden Leylandii (T5). Objection to the proposed 2m-2.5m crown reduction, suggested that were this reduced to a 1m crown reduction and reshape it would receive support and approval.

Conservation Area Advisory Committee - No objection.

Comments on Consultation responses:

The application has been amended in regards to the Wingnut (T3) following the comments of the Council's Arborist.

POLICY CONTEXT

Designations applicable to the sites:

Within built-up area boundary;
Tree Preservation Order;
Conservation Area; and
Area of Special Character.

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 their impact on the amenity of the area.

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 trees which are subject to this application are all prominent in the streetscene. However, no objection was received from the Council's Arborist in relation to the proposed works for T1, T2 and T5. An objection was received from the Council's Arborist in relation to T3 but the applicant has agreed to amend the description of the works to reduce the crown reduction to 1m in accordance with the arborist's advice. The application is recommended for approval 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 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 The works hereby approved shall involve;

T1 Lime (*Tilia Europaea*) - prune to provide a balanced crown and ground clearance of 2m all around the canopy. Retain the trees 'vase' shaped character by removing only those branches of 40mm diameter or less.

T2 White Poplar (*Populus Alba*) - Removal of the three (3) lowest limbs and suckers from the trunk.

T3 Caucasian Wingnut (*Pterocarya fraxinifolia*) - 1m crown reduction and reshaping.
T5 Golden Leylandii (*Cupressocypariss*) - Fell to ground level.

All works should 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.

- 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 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.

- 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.