

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

REF NO: AW/306/18/T

LOCATION: 45 The Drive
Bognor Regis
PO21 4DS

PROPOSAL: Crown reduction up to 0.1m & crown lift by 0.3m from ground to 1No. Yew Tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the rear garden.
SITE CHARACTERISTICS	Dwelling with surrounding gardens.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

AW/272/17/T	Crown Reduction to 0.1m and Crown Raise of 0.3m to 1No. Yew tree.	Approve 19-10-17
AW/304/16/T	Re-shape by cutting back new growth of up to 100mm all round dome shape & raise crown to 300mm from ground level.	Approve 25-11-16
AW/313/16/TC	Re-shape by removing new growth to a hedge comprising 7No. Leylandii, re-shape 4No. Golden Crest & 1No. Leylandi by 100mm of new growth within the Aldwick (Craigweil House) Conservation Area.	No Objection 25-11-16
AW/128/15/T	Reduce lateral spread of lower halves by 1-1.5m to 3 No. Yew trees this season & reduce height of upper half by 1.5-1.8m to same 3 No. Yew trees.	ApproveConditionally 23-06-15
AW/105/14/T	Reduce North & East lateral spread of 1 No. Hornbeam by 2 metres & North East lateral spread by 4 metres. File Scanning Completed DP	ApproveConditionally 14-05-14

AW/335/13/T	Various surgery to to 1x Hornbeam tree, 4 x Yew trees & 1 x Oak tree	Refused 10-02-14
AW/237/13/TC	Various surgery to 3 No. Golden Crest & 1 No. Leylandii within the Craigweil House Conservation Area	No Objection 28-10-13
AW/225/13/T	Cut back up to 100mm all round from 1No Yew tree	ApproveConditionally 28-10-13

History noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council:

No response received from Aldwick Parish Council.

No representations received by nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

Yew / *Taxus baccata*, Height: Approx. 6m, Average spread: 3m, Age class: Early mature

- This tree appears to be outwardly healthy and stable with an attractive dome crown profile, achieved and maintained by regular light trimming.
- It grows at the rear of the property and can be seen from neighbouring dwellings but has only limited visibility from publicly accessible land.
- The crown already has in excess of 0.3m clearance from ground level.

Conclusions:

- This work proposal is justified and consistent with previous works approved by the Local Planning Authority.
- There will be no loss of public amenity on completion of the proposed works.

Recommendations:

·T6 - I recommend APPROVAL for the works described.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

DEVELOPMENT PLAN POLICES**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	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 comments from the Tree Officer it is recommended 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

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

- 1 **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.
- 2 **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.