

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

REF NO: AW/310/20/T

LOCATION: 5 Kingsway
Bognor Regis
PO21 4DQ

PROPOSAL: Reduction of 1 No. Oak tree (T15) to 16m in height and 10m North South spread.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 5 Kingsway.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/297/20/TC	Reduction of crown to 7 No. Sycamore trees to 16m high and 8m East/West spread (T1-T8). Reduction of crown to 1 No. Chestnut (T9) to 16m high and 8m East/West spread, 1 No. Sycamore tree (T10) to 16m high and 8m East/West spread, 3 No Sycamore trees (T12, T13 & T14) to 16m high and 8m North/South spread and 1 No. Field Maple (T11) to 15m high and 10m East/West spread. Reduction of 1 No. Chestnut tree (T16) to 16m high and 8m North/South spread, 2 No. Sycamore trees (T17-T18) to 16m high and 8m North/South spread, 14 No. Sycamore trees (T19-T32) to 16m high and 8m East/West spread . Reduction of 1 No. Birch (T33) 2 No. Sycamore trees (T17-T18) to 16m high and 8m East/West spread. Reduction of 5 No. Sycamore trees (T34-T38) to 16m high and 8m East/West spread.	
AW/252/11/T	Various tree surgery	ApproveConditionally 08-12-11
AW/113/97/T	Remove one lower branch and carry out good husbandry to other branches of one oak tree overhanging 5 Seacourt Close	ApproveConditionally 21-08-97

Relevant planning history noted.

REPRESENTATIONS

No objection as long as Arun Arboriculturist is consulted regarding the application and that his recommendations/decision be applied.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

Pedunculate oak / Quercus robur Height: 15-20m Radial spread: 5-10m Age class: Mature

Outwardly this tree appears to be in a fair physiological state, although only observed from its southern aspects and with restricted view of its main stem and immediate surroundings (dense vegetation/limited access).

Weak shoot extension and branch tip dieback suggest underlying disease, most likely associated with ground conditions and/or root dysfunction - worthy of detailed investigation if not already undertaken.

The absence of any accelerated growth at lower levels or other strong indicator of 'crown retrenchment' suggest this tree is under significant physiological distress.

Conclusions:

The work proposed is justified on arboricultural grounds, if only by virtue of it removing a risk of falling deadwood.

This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression. If the work is undertaken to a high standard and at the right time, then the tree stands a chance of remaining a visually interesting feature in the local landscape.

Recommendation:

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

Condition to Be Applied to Approved Work: -

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 tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

See also the standard pruning guidance notes issued with the consent letter

Informative:

The optimum time for such significant pruning of this tree is the late spring to summer period (May to August). The work proposed should only be undertaken during this period.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

Conservation area.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPG National Planning Practice 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

OTHER MATERIAL CONSIDERATIONS

It is considered that there are/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the 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 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 tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 2 INFORMATIVE: See also the standard pruning guidance notes issued with the consent letter
- 3 INFORMATIVE: The optimum time for such significant pruning of this tree is the late spring to summer period (May to August). The work proposed should only be undertaken during this period.
- 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.