

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

REF NO: AW/325/19/T

LOCATION: Moonrakers
Dark Lane
Bognor Regis
PO21 4AJ

PROPOSAL: Reduce 2 No. Macrocarpa trees by 1.5m on north side

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated on the site of Moonrakers Dark Lane
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/29/19/T	Reduce north side of 2 No. Macrocapa trees by 3m.	Refused 10-04-19
AW/40/18/HH	Change of openings on ground & first floor elevations.	ApproveConditionally 05-04-18
AW/249/10/T	Reduce 6 No Pittosporum Trees by 50%	Approve 08-12-10

Relevant planning history noted

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Aldwick Parish Council
No Objection
No Representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

It is not explicit from the map provided which two trees are the subject of this application, although it is safe to assume from the map provided. For absolute clarity I have assessed the two (of four) trees which are in closest proximity to neighbouring dwelling (17 Shorecroft) and which I identify on the following plan as most likely candidates for T1 and T2

Outwardly and from a distance both trees appear to be in a fair physiological state and with form typical of their type and age. They present attractive crown profiles despite having sustained numerous branch failures over time and are important constituents of a linear group of four mature cypresses with obvious landscape value.

Crown reduction of 1.5m to the north aspect of T1 will effectively bring the crown spread back to the high wall boundary of 17 Shorecroft.

Crown reduction of 1.5m to the north aspect of T2 will effectively bring the crown spread back to 1m beyond the high wall boundary of 17 Shorecroft.

Conclusions:

·These trees require careful management that respects their age and vulnerability to environmental changes and disease progression.

These trees while tolerant of coastal conditions often carry a high percentage of deadwood and small branches are prone to damage during episodes of inclement weather, as is evident following Storm Ciara. As such, in a built environment they will require a relatively high intensity of management to keep them in a condition appropriate for their location.

The removal of dead or imminently dangerous branches is an exception and does not require permission, although in respect of the latter those undertaking are required to notify this authority at the earliest opportunity and works should only be to the extent that the immediate threat to person(s) or property is abated. Any work desired beyond that which is absolutely necessary requires a formal application.

·Crown clearance of adjacent property is proportionate and reasonable, but I understand there may be concern of risk of damage to property from breaking branches during inclement weather. This risk can be mitigated to some extent by sympathetic reduction (retaining a satisfactory ratio of foliage to branch length/volume), such as that proposed.

Recommendations:

·I recommend CONSENT for this application, subject to the following condition

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

None

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary
Tree Preservation Order

DEVELOPMENT PLAN POLICIES**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 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 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.