

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

REF NO: AW/347/21/T

LOCATION: Runnymede
221 Aldwick Road
Bognor Regis
PO21 3QG

PROPOSAL: Fell 1 No. London Plane tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is located at the front of the property.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/249/16/T	Cut back the lower branches of 1No. London Plane by 50% & trim back to previous cut.	ApproveConditionally 18-10-16
AW/286/12/T	Trimming of 1 No London Plane tree by 1m-1.6m all around.	ApproveConditionally 10-12-12

Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council provided no objection and agreed the Arun Arboriculturist recommendations / decision be applied.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

Outwardly and from a distance (roadside) this tree appears to be in a fine physiological state and assumed to be so in the absence of any evidence provided to the contrary. It has been the subject of regular crown reduction pruning, resulting in compact form.

It occupies a prominent position at the front of the property, being highly visible from numerous residential properties and to users of the public highway (footway and carriageway). It will present an attractive crown profile when in leaf.

It is possible to achieve adequate clearance of the streetlight column and allow for adequate light dispersal, without recourse to felling. A continuation of the pruning regime would be satisfactory in that regard.

No evidence has been provided to confirm the presence of problematic root material within the subterranean apparatus, and where it does occur; can often be satisfactorily dealt with and permit retention of the parent tree.

Root heave to the driveway is significant and likely to increase in severity, due to proximity of the tree and its high growth potential. It is unlikely that problematic roots can be removed due to their importance for the tree's structural integrity and no reasonable engineering solution could be employed for effective long-term reconstruction of the driveway with retention of the tree.

Conclusions:

The work proposed is justified on arboricultural grounds although not exclusively for the reasons given.

There will be a notable loss of public amenity on completion of the proposed work, which has become necessary due to the incompatibility of this tree with its surroundings. Fortunately, an opportunity exists to site a tree in an equally prominent and more harmonious position approximately 5 metres due East.

Recommendation:

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary
TPO
Pagham Harbour Zone B
2km Buffer for Site of Special Scientific Interest

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/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 Once the tree has been felled (and either grubbed or ground out) then a replacement tree is to

be planted due East and to within 5 metres, to occupy a prominent and near central position on the front lawn, to facilitate uniform/unconstrained development of limb and branch framework.

This is to be of Selected Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short stake' system with appropriate securing ties and pads.

It is to be planted within 12 months of the removal of the London Plane tree.

The species shall be selected from the following: -

Field maple - *Acer campestre*

Hornbeam - *Carpinus betulus*

Sweet Gum - *Liquidambar styraciflua*

Japanese maple - *Acer palmatum* (true to species type)

Reasons: To accord with current industry guidelines and sound arboricultural practice in general.

- 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 0345 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.