

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

REF NO: AW/368/21/T

LOCATION: 102 Rose Green Road
Bognor Regis
PO21 3EF

PROPOSAL: 1 No. Oak tree - Crown lift on all aspects to provide a maximum of 2.5metres overhead clearance, reduce/remove selected small diameter (<50mm) branches to achieve a maximum of 2metres clearance from dwelling and car port roof, and reduce top height of tree by maximum of 2metres, with respect to established 'knuckles' so as not to extend beyond the point of origin. Lateral spread to be reduced where required to balance crown profile and to leave a minimum of 5metres radial extent on all aspects, attending only to small diameter (<50mm) branches.

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/267/21/T	Crown reduction of 1 No. Oak tree to leave a spread of 7m
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Relevant planning history noted.

REPRESENTATIONS

Aldwick Parish Council - No Objection

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 is a prominent tree with an attractive crown profile, although formed upon a complex limb and branch framework. Height reduction pruning has occurred within the last 10 years, with 1-2metres of regrowth. Large upswept limbs on SW and NE aspects limit potential for reduction of lateral spread - that will need to be minimal and carefully undertaken so as not to harm aesthetic value.

The removal of low branches (crown lifting) to achieve 4m clearance above ground level on all aspects is not justified on arboricultural grounds and exceeds that which is recommended in the British Standard (BS3998:2010) Tree work.

Conclusions:

This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.

It is a large tree with a complex crown and in proximity to a dwelling. It also possesses high public amenity value and so any approved work specification needs to be carefully worded to ensure reasonable management objectives can be met without damaging its profile.

Recommendations:

As it stands, I am unable to recommend approval for this application.

I would like the applicant to be invited to agree to a revised proposal for lesser works (as described below) as part of the current application so as not to incur delay. Such work would go some way to addressing their concerns whilst preventing a diminution of the tree's landscape and public amenity value:

- i) Crown lift on all aspects to provide a maximum of 2.5metres overhead clearance.
- ii) Reduce/remove selected small diameter (<50mm) branches to achieve a maximum of 2metres clearance from dwelling and car port roof.
- iii) Reduce top height of tree by maximum of 2metres, with respect to established 'knuckles' so as not to extend beyond the point of origin. Lateral spread to be reduced where required to balance crown profile and to leave a minimum of 5metres radial extent on all aspects, attending only to small diameter (<50mm) branches.

If the applicant can agree to this revision, then I would be able to recommend APPROVAL subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

The applicant agreed to the change of specification.

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 and agreed change of specification by the agent, 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.

Where pollarding or crown reduction pruning has occurred previously, then the removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

Reasons: In the interest of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2 INFORMATIVE: The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during the late spring to summer period (May to August).
- 3 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.
- 4 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.