

REPORT UPDATE

Application No: AW/68/14/TC

Reason for the Update / Changes

Reason for Update/Changes:

The Conservation Area Advisory Group have raised no comment.

Comments have been received from the Council's Arboriculturist. These state that:

I am very confused by this one as I have previously been asked by Parks to review these trees for potential TPO application in view of the fact that they are NOT within the Conservation Area and may be under threat of removal. However, as this has been registered as a CA notification that is how I propose to deal with it.

These are significant and imposing trees in the landscape which have a merit and would qualify as being suitable candidates for a TPO under the TEMPO scoring system. Notwithstanding this - reduction and reshaping by 5m overall will not spoil their visual amenity value and there is still an opportunity to apply a TPO at a later date should this be deemed appropriate. I raise No Objection to the proposed reduction of these trees by 5m but would advise that the following advice is sent out with the consent letter:

"Where whole branches are to be removed final cuts close to the trunk or branch union are to be made as shown in Figure 2 of BS3998:2010 and all shortened branches are to be cut at the correct angle (see also BS3998:2010) and adjacent to a live bud or lateral."

Officers Comment:

The Arboriculturist comments support the recommendation made within the report. However, it is considered necessary to include an informative in line with the Arboriculturist's recommendation above and also to include the two standard informatives on bat & bird roosts which were previously missing from the report.

The report has also been updated by removing the references to Circular 36/78 and the DETR "TPO's A guide to Law and Good Practice". These were both cancelled with the introduction of the Planning Practice Guidance suite in March 2014.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report/Recommendation.

AW/68/14/TC

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: **AW/68/14/TC**

LOCATION: 70 The Fairway
 Bognor Regis

PROPOSAL: Pollard 2 No. Black Poplar trees by 4-5 metres within the Aldwick Bay Conservation Area (extended)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The applicant states that a neighbour has requested the works because branches are falling in the neighbour's garden during windy weather.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	There is a large tree on the western end of the rear boundary which is referred to as T-1360 and which is outside of the Conservation Area and not subject to any TPO. At the eastern end, there are the trees the subject of this application. The unconfirmed TPO (TPO/AW/294/10) referenced two trees in this location as T-1361 and T-1362. However, although difficult to tell exactly, due to the amount of ground level foliage, it seemed to be the case that there are 4 trees at the eastern end, 2 of which have 2 main trunks. Whilst these are within the garden of 70 and thus outside of the Conservation Area, some of the branches do overhang the adjacent Conservation Area.
BOUNDARY TREATMENT	The rear fence is 2m high topped with 0.2m high trellis. The eastern side fence is 0.5m high.
SITE CHARACTERISTICS	Rear garden of no. 70 The Fairway, a two storey detached dwelling. The garden backs onto the rear garden of 12 Priory Close.
CHARACTER OF LOCALITY	Located in a private residential estate, part of which has Conservation Area status.

RELEVANT SITE HISTORY

AW/84/93/T	Pollard one poplar	Approve 03-09-1993
AW/138/98/	Single storey extension.	ApproveConditionally 11-12-1998
BR/415/77	Convert garage to study extension for bed sitting room and provision of garden room and garage	ApproveConditionally 10-08-1977

A Tree Preservation Order TPO/AW/294/10 previously proposed the protection of 5 trees in and around nos. 70 & 71 The Fairway. It is understood that the TPO was never confirmed because some of the trees covered by the order (but not all) are in, or overhang a Conservation Area.

REPRESENTATIONS

Representations received:

Aldwick Parish Council - any comments will be reported as an update at the meeting.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Arboricultural Officer - any comments will be reported as an update at the meeting.

Conservation Area Advisory Committee - any comments will be reported as an update at the meeting.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designations applicable to the site:

No Public Sewer; and

Adjacent to a Conservation Area (the western border of which is the boundary between 71 and 70).

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [AREA2](#) Conservation Areas

Publication Version of the
Local Plan - Excluding the
Spatial Portrait, Employment,
Housing Allocations,
Transport, Monitoring and
Implementation sections
(February 2014):
HER DM3 Conservation Areas

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

The above policies are general and are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 211(1) of the Town and Country Planning Act 1990 states:- "Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence." It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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

PROPOSAL

This is a notification of the intention to pollard two trees within the Aldwick Bay Conservation Area.

AMENITY ASSESSMENT

Whilst it is not 100% clear which of the trees in question overhang the Conservation Area and therefore have protection and which do not, it is clear that the trees are visible from The Fairway. However, being visible does not automatically mean that a Tree Preservation Order should be made.

The National Planning Practice Guidance suite states that when assessing amenity value, local authorities should take account of (1) visibility; (2) individual, collective and wider impact; and (3) other factors. The Guidance states that public visibility alone will not be sufficient to warrant an Order.

The "individual, collective and wider impact" category includes: (a) size and form; (b) future potential as an amenity; (c) rarity, cultural or historic value; (d) contribution to, and relationship with, the landscape; and (e) contribution to the character or appearance of a conservation area. The "other factors" category refers to "nature conservation or response to climate change".

The trees are visible in both the Fairway and Priory Close street scenes because of their height yet the bulk of the trees are hidden from view by the existing houses. These trees are not considered to have rarity, cultural or historical value, do not particularly relate to the landscape and are predominantly outside of the Conservation Area. The proposal only seeks to pollard the trees and therefore, the trees will not be lost.

SUMMARY

Given that the trees will continue to provide amenity value to the area following the works, it is recommended that no objection be raised or Tree Preservation Order made.

RECOMMENDATION

NO OBJECTION

- 1 **INFORMATIVE:** Where whole branches are to be removed final cuts close to the trunk or branch union are to be made as shown in Figure 2 of BS3998:2010 and all shortened branches are to be cut at the correct angle (see also BS3998:2010) and adjacent to a live bud or lateral.
- 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.