

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** **AW/89/14/T****LOCATION:** 12 Lucerne Court
 Bognor Regis**PROPOSAL:** Reduce overhang on the south side by 1.5 metres to 1 no Red Oak tree.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Red Oak tree the subject of this application but various trees within the immediate vicinity.
BOUNDARY TREATMENT	Ranch fencing to rear 1.2m in height.
SITE CHARACTERISTICS	Grassed area of land to rear of 12 Lucerne Court with footpath. 12 Lucerne Court is a detached bungalow with brick elevations, tiled roof and white window frames.
CHARACTER OF LOCALITY	Residential area with two storey detached and detached bungalows in Lucerne Court of various styles.

RELEVANT SITE HISTORY

AW/190/90/T	Fell one Scots Pine, lop one Beech, one Monterey Pine and one Oak.	ApproveConditionally 02-01-1991
BR/275/76/T	Pruning of 36 Fir trees 1 Ash 2 Lime 1 Oak & 2 Fir (42 in total)	ApproveConditionally 09-06-1976
BR/918/82/T	Lop 2 Oak Trees fell 1 Pine tree lop 1 Macrocarpa	ApproveConditionally 02-02-1983

REPRESENTATIONS**Representations received:**
Aldwick Parish Council

No objection

Members agreed that the Arun Arboriculturist be consulted regarding the application and that his recommendation/decision is applied.

Comments on Representations received:

See Arborists comments.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Consultant Arboriculturist

This tree has poor crown form being bifurcated at 2.5m agl with the crown weighted heavily to the south and west sides

The low branch spread to the south side almost touches the roof of the building and in high winds would certainly make contact with the risk of damage. I have no problem with the request to prune back from the building line

I Approve of pruning works to this tree as listed below:-

Shorten back the lateral spread to the south side ONLY by 1.5m making all final cuts adjacent to living growth points

Condition To Be Applied to All Approved Works: -

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 branches which need to be shortened are to be cut at the correct angle and adjacent to a live bud or lateral as defined and illustrated in BS3998:2010.

Attention is drawn to the fact that some trees could provide suitable habitat for bird nesting (ivy and cavities) and bat roosting (ivy, branch cracks and cavities) and this might at certain times of year influence and possibly restrict the form of management which can be applied. Given the legal constraints imposed by the Habitat Regulations and the Wildlife and Countryside Act and the fact that it is a criminal offence to disturb or destroy nest sites, this may necessitate expert ecological advice being sought before proceeding with these recommendations. As a minimum requirement it will be necessary for the appointed Tree Contractor to climb the trees and verify that there are no birds nesting or bats present in splits; holes and cavities prior to commencement of works.

Comments on Consultation responses:

Arborist comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY 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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The Red Oak tree is the subject of Tree Preservation Order AW/244/10. It is sited on a grassed area to the rear of 12 Lucerne Court and is of a significant height and spread being of public visual amenity value.

The tree is overhanging the roof of No 12 Lucerne Court and the application seeks to reduce the overhang by 1.5m. The Consultant Arboriculturist has inspected the tree and has agreed the reduction of 1.5m to the south side only.

It is therefore recommended that the application be approved, subject to conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The work hereby approved to the Red Oak tree shall involve:

Shorten back the lateral spread to the south side only by 1.5m making all final cuts adjacent to living growth points.

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 branches which need to be shortened are to be cut at the correct angle and adjacent to a live bud or lateral as defined and illustrated in BS3998:2010.

Reason: In the interests of the trees continued health and vitality and to accord with current arboricultural industry guidelines and sound arboricultural practice.

- 2 The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of

amenity.

- 3 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality.

- 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.