

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

REF NO: BE/19/21/T

LOCATION: Arun Retail Park
Shripney Road
Bognor Regis
PO22 9NF

PROPOSAL: Various Works to various trees within retail park.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at Arun Retail Park.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BE/91/19/T	Felling of one tree as clearly dead on site visit - see photograph	
BE/186/16/T	Fell 3 No. Elm trees	
BE/175/16/T	28 x Populus spp. - 14 Trees are to be removed to ground level. The remaining 14 trees are to be reduced in height by 50% (pollarded). All remaining stumps are to be removed & the void is to be backfilled with top soil. Removal of 17 mixed trees species to ground level, Stump grind & reinstate with top soil & grass seed.	
BE/143/16/T	Group 1 adjacent to Pizza Hut - remove 2No. Ash trees to ground level. Raise crown to the various species of retained trees by 3.5m. Group 2/2B adjacent to Burger King - 10No. Ash trees to be removed to ground level. Raise crown to various species of retained trees to 3.5m. T1-T7 Various tree surgery.	Refused 01-12-16

BE/69/99/T	Fell one willow tree by Kwikfit Retail Unit and fell one cherry tree beyond Burgerking Unit.	PP Not Required 29-10-99
BE/152/16/T	G1 - Remove to ground level all vegetation including shrubs, bramble and gorse. Machine out and backfill void with top soil & apply grass seed.	Withdrawn 01-12-16

Relevant planning history noted.

REPRESENTATIONS

No objection from Parish Council.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Christopher Hoare Tree Services Ltd have prepared a tree survey and plan in support of this application. This is comprehensive and recommends a balanced set of work proposals to manage those trees in an appropriate state for their location.

My understanding is that only TPO/BE/1/94 affects the above site. Having considered the supporting Schedule and Plan, only items T2 and T3 in the applicant's Tree Survey are subjects of that Order. The remaining items listed in the Tree Survey are to receive general maintenance pruning and I do not consider it necessary for any of those to be made the subject of a new Order.

T2 - Outwardly this tree appears to be in a fine physiological state and relatively stable. It is prominent and highly visible to highway and retail park users. It has an obvious pruning history (crown reduction). Repeat operations such as now being asked for will be necessary throughout the remaining lifespan of this tree, to achieve a reasonable degree of structural integrity appropriate for its location.

T3 - Outwardly this tree appears to be in a fair physiological state and relatively stable although clearly diseased and with reduced safe, useful life expectancy. It is prominent and highly visible to highway and retail park users.

Conclusion:

The work proposed is justified on arboricultural grounds.

T2 - While a temporary loss of aesthetic value is inevitable, satisfactory canopy renewal and recovery should occur if the work is undertaken to a high standard and at an appropriate time of year.

T3 - The work proposed is necessary to mitigate risk of potentially catastrophic structural failure. Replacement planting with a tree of suitably large dimensions at maturity can be secured by condition.

Recommendation:

I recommend CONSENT for this application, subject to the following conditions:

Conditions to Be Applied to Approved Work: -

Condition 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 interests of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

See also the standard pruning guidance notes issued with the consent letter

Condition 2

Once the horse chestnut tree (T3) has been felled (and either grubbed or ground out) then a replacement tree is to be planted in the same place or nearby and to within 4metres.

This is to be of 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 horse chestnut tree.

The species shall be selected from the following:

Hop hornbeam *Ostrya carpinifolia*

Field maple *Acer campestre*

Honey locust *Gleditsia triacanthos*

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

Advisory:

The long-term vitality of tree T2 is best respected when significant pruning work such as proposed, is undertaken during the late spring to summer period (May to August). The work proposed should only be undertaken during this period.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

DEVELOPMENT PLAN POLICIES**PLANNING POLICY GUIDANCE:**

NPPG	National Planning Practice 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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the tree officer, it is recommended consent be approved (granted), 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 interests of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

See also the standard pruning guidance notes issued with the consent letter

- 2 Once the horse chestnut tree (T3) has been felled (and either grubbed or ground out) then a replacement tree is to be planted in the same place or nearby and to within 4m.
This is to be of 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 horse chestnut tree.
The species shall be selected from the following:
Hop hornbeam *Ostrya carpinifolia*
Field maple *Acer campestre*
Honey locust *Gleditsia triacanthos*

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

- 3 INFORMATIVE: The long-term vitality of tree T2 is best respected when significant pruning work such as proposed, is undertaken during the late spring to summer period (May to August). The work proposed should only be undertaken during this period.
- 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 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.