

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

REF NO: BE/53/18/T

LOCATION: New Era House
Oldlands Way
Bognor Regis
PO22 9NQ

PROPOSAL: Fell 5No. Poplar trees & pollard remaining Poplar trees to previous pruning points.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at New Era House, Oldlands Way, Bersted.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BE/24/13/T	Reduce 44 No Poplar trees to previous pollard points	ApproveConditionally 19-04-13
BE/70/97/T	48 No. Poplar trees - Lop all trees to 9.5m high, trim side growth and remove all dead wood	ApproveConditionally 17-10-97
BE/56/97/T	48 No. Poplar trees - Lop approximately 6 metres (20ft) off the tallest tree & reduce the remainder to same height	ApproveConditionally 03-09-97

Relevant planning history noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bersted Parish Council

Parish Council - No Objection - Would like to see the felled trees replaced if possible.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer -

Lombardy poplar (x40) - Populus nigra 'Italica' - Average height: 13m - Average spread: 1.5m - Age: Early-mature

- This is a significant arboricultural feature, comprising 40 distinct trees in linear grouping. They are of variable condition both physiologically and structurally but as a group can be collectively described as in a fair condition.
- The vast majority of individuals have been the subject of lopping work in the past, resulting in abrupt stem truncation at approximately 10m height. Regrowth from this height has on the whole been successful across the group.
- Those trees identified for felling are clearly showing areas of significant stem decay such that their removal has become necessary for safety reasons.
- This tree group is visible from neighbouring premises and from the adjacent main road (class A).

Conclusions:

- Trees of this combined type and pruning history have a propensity to shed large limbs/branches if allowed to grow on unchecked; this clearly presents an unacceptable level of risk for such a location.
- Trees with significant decay are not desirable at this location.

Recommendations:

- I recommend CONSENT for this application, subject to the following conditions:
- 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.
- Pruning (repeat pollarding) work such as proposed may only be undertaken during either the mid-summer (mid-June to mid-September) or mid-winter periods (Nov-Feb).

Reason - In order to ensure a satisfactory standard of tree surgery, in the interests of tree health and long-term vitality

COMMENTS ON CONSULTATION RESPONSES:

Comments noted and will be addressed by a condition.

POLICY CONTEXT

Within Built Up Area

Tree Preservation Order

DEVELOPMENT PLAN POLICES

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

CONCLUSIONS

It is recommended that consent be 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

In assessing this proposal neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1
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- 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.