

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** BR/105/17/T**LOCATION:** Servite House
Servite Close
Bognor Regis**PROPOSAL:** Fell 3 No. Sycamore trees.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located on the grass verge to the North of the car park adjacent to Servite House.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BR/282/94/T	Fell one Ash tree, prune out dead wood and reduce crowns of 9 no. Ash trees, 5 no.Sycamore trees and 1 no.Silver Birch tree.	ApproveConditionally 31-03-1995
BR/167/98/T	Various tree surgery	ApproveConditionally 02-10-1998
BR/240/99/T	Fell one Birch tree, two Sycamore trees and reduce height of two Leylandii trees	Withdrawn 26-11-1999
BR/272/01/T	Works to various trees	ApproveConditionally 12-10-2001
BR/277/07/T	Application to carry out surgery to Tree 1 Acer Pseudoplaatanus (Sycamore) to reduce and thin canopy by approx 15%. Remove dead, diseased, damaged wood.	Withdrawn 27-09-2007
BR/84/08/T	20% overall crown reduction to one Sycamore tree.	ApproveConditionally 16-04-2008
BR/60/09/T	Surgery to one Ash Tree - reduce limbs that overhang neighbours garden by approx 20% and balance canopy accordingly, raise crown to 6m clearance	Refused 14-05-2009

BR/105/17/T

BR/162/09/T	Surgery to 2 no Ash trees, 1 no Sycamore, 1 Robinia and 1 no Sweet Chestnut	ApproveConditionally 19-08-2009
BR/165/10/T	Application for the crown reduction of one no.Sycamore tree by 20%.	ApproveConditionally 28-07-2010
BR/277/13/T	Fell 1no Norway Maple tree & various surgery to 4no Ash trees & 1no Norway Maple.	ApproveConditionally 23-12-2013
BR/152/14/T	2 Ash and 1 Norway Maple: Raise canopies to give approximately 5m ground clearance. Reduce canopies by up to 2.5m radially.	ApproveConditionally 11-08-2014
BR/42/15/T	Fell to ground level 1 No. Silver Birch tree & crown lift 2 No. Ash trees to 4.5m & reduce canopy by up to 1.5m radially.	ApproveConditionally 02-04-2015
BR/264/16/T	Reduce canopy of 1No. Common Walnut by up to 1.5m in radial spread to suitable lateral growth points	ApproveConditionally 21-11-2016
BR/238/16/T	Fell to ground level 1No. Norway Maple & 1No. Silver Birch. Replace with 1No. Silver Birch & 1No. Norway Maple. 3m Height Reduction, 1m lateral reduction on the East, West and South sides & 4m Crown lift to 1No. Silver Birch. Height reduction to previous pruning points to 1No. Norway Maple.	ApproveConditionally 09-12-2016
BR/769/74/T	Felling of one sycamore	Refused 01-08-1975
BR/760/81/T	Fell 1 evergreen oak top 1 sycamore 2 maple 2 ash lop 2 maple & 1 ash & remove dead wood from 2 birches	ApproveConditionally 02-12-1981

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Parish Council - No objection.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer:

Sycamores Acer pseudoplatanus Height - 8 to 10m Av Sprd - 5m Age - Semi Mature

report

- They are the only trees in what is otherwise a baron parking area behind the buildings on Servite Close and they are sound and healthy and contribute to the amenity of the car parking court being clearly visible from Servite Close.
- These trees have self-seeded into a narrow band of soil held back by a low retaining wall at the car park edge with a high boundary wall at their backs. Under these circumstances root pressure will always win over a low retaining wall and from time to time repairs will be necessary - but there is no safety issue here.
- Aphid drip is a problem with the paintwork on cars but these trees are all at one end of what is an extensive parking area and on the occasion of my visit there was only one small car present and that had been parked underneath the trees.

Conclusions:

- These trees have heightened importance being the only trees in the car park and I would see their complete removal on aphid drip grounds as an excessive and unacceptable remedy to the problem.

Recommendations:

- I recommend REFUSAL of the application - as the works are excessive and unacceptable resulting in a total loss of amenity.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

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

Following the comments from the Tree Officer, it is recommended that consent be refused.

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

REFUSE

- 1 The trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.
- 2 Advisory:
 - Recommend that the applicant re-submits seeking a crown lifting exercise to give the trees a more upswept form on the south side above the car park.
 - Another option might be to remove the middle tree and plant a replacement tree for the future whilst crown-lifting the other two tree. Manage the situation by future pruning operations until the new tree is fully established and then go in for the removal of one more tree with a replacement and then in time come back in for the last Sycamore to be removed and replaced thus phasing the work over time with continuity of landscape and no loss of amenity.