

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** BR/114/12/T**LOCATION:** Rear garden of
Flat 1 32 Normanton Avenue
Bognor Regis**PROPOSAL:** Reduce crown by 2m and crown clean to 1 No Oak tree**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Oak tree the subject of this application.
BOUNDARY TREATMENT	Rear boundary has wall + bamboo screening approximately 1.8m in height, close boarded fencing 1.8m in height to side boundaries.
SITE CHARACTERISTICS	Detached two storey property which is currently divided into three flats. Tree is sited in the rear garden of Flat 1. The property has pebbledash/red brickwork walls, white window frames with a red tiled roof.
CHARACTER OF LOCALITY	Residential comprising bungalows and two storey properties of various styles and designs.

RELEVANT SITE HISTORY

BR/92/96/T	Lopping of one Oak tree	Approve Conditionally 06-06-1996
BR/164/98/T	Fell one Oak tree	Refused 02-10-1998
BR/93/00/T	Lop one Oak Tree	Approve Conditionally 19-05-2000
BR/338/07/T	Lop branches, tidy up and shape one Oak tree.	Approve Conditionally 12-12-2007
BR/300/11/T	Fell 1 No Oak tree in rear garden.	Refused 24-01-2012

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection

Subject to the approval of the Arboricultural Officer at ADC. It is recommended, if approved, that no work should be carried out if any birds or bats are nesting there.

1 Letter of Objection

The Oak tree must be at least 100 years old and the property was built in the 20's or 30's. It has been thinned in recent years, but the tree has formed a lovely canopy which is well above roof level. The owners of the property have previously applied to fell the tree and if they get permission to do this work it will be killing the tree through the back door. The tree is home to a wide selection of wild life, including squirrels, pigeons and many other animals. In my view there is no work that needs to be done to the tree.

Comments on Representations received:

Parish Council comments noted

If approved, an informative will be placed on any decision regarding The Wildlife and Countryside Act in relation to nesting birds between the months of March to September.

Objection comments noted

See the Arboriculturist's recommendation. If approved, conditions will be imposed regarding the Crown Clean and Crown Reduction.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Council's Arboriculturist

I have visited the site and identified the English Oak tree which is mature, healthy, of good height and located to the rear of the property. The crown is near to the house and dominates the garden. A crown reduction would reduce its impact upon the householder and allow some reprieve from shade and bird problems. The English Oak tree could accommodate a crown reduction without affecting its overall natural beauty and visual amenity. A crown clean would be beneficial to remove weaker growths and dead wood from its crown. There is a developing inner green core and this should be retained to fill out an otherwise open crown form. Suggested conditions which must include working to BS3998:2010.

Comments on Consultation responses:

Comments noted

If approved, conditions to be imposed as per the Arboriculturist's recommendation.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX2

DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, 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 Oak tree which is of a significant height and spread is sited in the rear garden of Flat 1 on the western side boundary. It can be seen above the roof line of the property and to gardens to the rear in Marshall Avenue and is of significant public visual amenity.

The Oak tree is the subject of Tree Preservation Order 2/91 and surgery to the tree has been carried out on a regular basis. A previous application BR/164/98/T and more recently BR/300/11/T to fell the tree have been refused on the basis that there is no arboricultural justification to fell the tree and the loss would be detrimental to the visual amenities of the locality.

The tree is sited close to the property and the application seeks to reduce the overall crown by 2m in order to allow more light into the garden and reduce the impact from bird fouling. The Council's Arboriculturist has inspected the mature Oak tree which is a good height and healthy. He has recommended that a crown reduction with the removal of branch lengths no greater than 2m with a crown clean.

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 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 in accordance with policy GEN7 of the Arun District Local Plan.

- 2 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 in accordance with policy GEN7 of the Arun District Local Plan.

- 3 Thw works hereby approved to the English Oak tree shall involve:

Crown Reduction - This should not exceed the removal of branch lengths greater than 2m. All pruning cuts must leave healthy leaf bearing side branches which are 1/3rd or greater in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible and cut at an optimum angle leaving the branch collar intact. Pruning wounds of all removed live branches must not exceed 100mm in diameter.

Crown Clean - Removal of deadwood and stub. All cuts should be made to the branch collar. The weaker of two or more crossing branches should be reduced or removed. The remaining branch/branches should be shortened and reduced retaining half of its foliage bearing part.

All works shall be carried out in accordance with BS3998:2010 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of retaining good health and amenity.

- 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 amendd) 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.