

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: BR/128/26/TC

LOCATION: Hotham Park House, Garden Flat
High Street
Bognor Regis
PO21 1HW

PROPOSAL: Crown reduction to 1 no. Magnolia (T1) to leave a height of 5m and spread of 4m. This application may affect the character and appearance of the Upper Bognor Road & Mead Land Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The Magnolia stands to the south of Hotham Park House, adjacent to the conservatory.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	A mix of residential and leisure uses.

RELEVANT SITE HISTORY

BR/141/20/TC	Fell 1 No. Magnolia tree T1 within Upper Bognor Road & Mead Lane Conservation Area.	Objection 12-08-20
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Relevant planning history noted.

REPRESENTATIONS

Bognor Town Council - no response received.

No representation received from nearby occupiers.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer - I visited the above location on 5th August to determine this Town & Country Planning Act 1990 (as amended) s211 Notice.

This tree appears to be in a fine physiological state, free from obvious structural defect and with an attractive crown profile. It is discreetly located within a large walled ornamental garden area that is of shared interest. The summer house is within the wider grounds of a listed property (Hotham Park

House), itself surrounded by landscaped gardens and an important, mature tree collection.

At this time, T1 has limited visibility from the surrounding park but is a fine example of an uncommon species/cultivar of yellow-flowering Magnolia - so can be regarded as worthy of preservation in the public interest. An evergreen: it shares similar species characteristics with the common *M. grandiflora* although on close inspection of the stem bark and flower is clearly distinct. The apparent similarity may explain why it had been planted in such a sheltered location and up against a wall, a traditional placement for that tree type.

Whole crown reduction pruning (height and spread on all aspects) has not been justified and would both set in train a cyclical programme of repeat pruning to maintain the tree at reduced dimensions and incur irrevocable loss of natural-looking branch architecture.

The treatment of small diameter branches necessary to achieve a satisfactory clearance of dwelling and pedestrian walkways, is advisable and can be achieved once consent has been gained from the local planning authority. A new tree work application would be necessary, following the making of a tree preservation order. The following suggested work specification would gain my support:

- Crown lift to provide a maximum of 2.5metres overhead clearance on all available aspects.
- Prune small branches (<75mm diameter) to achieve a maximum of 0.6metres clearance from building and fixtures.

Conclusions: This is a healthy, stable and potentially rare ornamental tree that appears to be in harmony with its surroundings.

The tree work proposed in the application has not been justified on arboricultural grounds.

Recommendation: I recommend we make a Tree Preservation Order to better control the management of T1 and attach a TEMPO form and GIS plan for this purpose.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted; a provisional TPO has been created in light of the Tree Officers comments.

POLICY CONTEXT

Conservation Area.

DEVELOPMENT PLAN POLICIES

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 reference ID: 36-119-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments of the tree officer, it is recommended that an objection is raised and a TPO be made to protect the tree. Special attention has been given to the desirability of preserving or enhancing the character or appearance of the conservation area. This proposal would preserve the character and appearance of the conservation area.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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 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

OBJECTION

- 1 The tree is a significant feature in the local landscape and appears 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, contrary to the NPPF.