

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

REF NO: BR/136/18/T

LOCATION: The Maples
45 Victoria Drive
Bognor Regis
PO21 2TQ

PROPOSAL: Surgery to various trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Fell 1No. Bay, removal of lower overhang branch of 1No. Oak, crown reduction of 1No. sycamore by 3m, reduce overhang of 1No. Sycamore by 2m, pollard 4No. Sycamore trees to previous pruning points and reduce overhang of 1No. Sycamore by 3m.
TREES	Various trees throughout the development.
SITE CHARACTERISTICS	Block of flats with surrounding gardens.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

BR/34/18/T	Surgery to various trees	
BR/48/17/T	Removal of 2 East facing boughs of Oak Tree & 2m Crown Reduction to 1No. Sycamore.	ApproveConditionally 06-04-17
BR/112/01/T	Surgery to 2 Sycamore trees and 1 Ash tree	ApproveConditionally 07-06-01

History noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council
No Objection received from Bognor Regis Town Council.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Response:

-Linear group of pollarded trees. Appear to be in a fine physiological state, of poor form.

T12 Bay, Laurel nobilis, Age: Semi-mature

-Multi-stemmed, tight against west boundary fenceline. Appears to be in a fine physiological state, of moderate form.

T19 Sycamore, Acer pseudoplatanus, Age: Early-mature

-Appears to be in a fine physiological state with good form.

T24 Oak, Quercus robur, Age: Early-mature

-Although not comprehensively assessed, appears to be in a fine physiological state, of moderate form.

T26 Sycamore, Acer pseudoplatanus, Age: Early-mature

-Triple stemmed. Appears to be in a fine physiological state, of moderate form.

T29 (T28) SycamoreAcer pseudoplatanusAge: Early-mature

-T29 as shown on the submitted plan is a multi-stemmed alder. The nearest sycamore is T28 and the more likely candidate for the work proposed. T28 is a close pairing of sycamore, one of which has evidence of past wind throw. Both stems are infected with Kretzschmaria deusta, a significant decay fungi (see advisory comment at the foot of this report).

·The subject trees are surrounded by residential property having been retained during recent development. The majority of these trees appear healthy and form part of the established high canopy locally, although many individuals are discreetly located when viewed from land accessible to the public. As such, while most are of moderate value they are collectively significant and have group amenity value.

·The applicant has submitted a plan prepared by Beechdown Arboriculture Ltd, dated 29/09/2014 in support of the application. I have relied on this map exclusively for the purpose of identifying trees on site by their unique reference number and have ignored the annotated work specification, which differs from that described on the application form. It is the latter work specification I have based my conclusions and recommendations on.

Conclusions:

·The work proposed is justified and/or reasonable and will not incur a noteworthy loss of visual amenity to the surrounding area.

Recommendations:

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

Conditions To Be Applied to All Approved Works: -

·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.

·(T1, T2, T3, T4) - 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 trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

Advisory

-T28 Sycamore (x2) - This decay event appears to be significant and may require felling of both stems. The applicant is advised to consider re-submitting an application that includes this work proposal, which I would recommend for approval.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

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

Following the comments from the Tree Officer it is recommended consent be approved subject to the following conditions and informatives.

HUMAN RIGHTS ACT

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
- 2 INFORMATIVE: The decision is based upon information supplied within the application form and not the plan provided. Please note T21 as indicated on the plan has not been included within this decision.
- 3 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.
- 4 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.