TREE WORKS CONSENT REPORT

REF NO: **BR/139/08/T**

LOCATION: Verge in carpark
Nyewood Gardens
Bognor Regis

PROPOSAL: Application to thin crown by 20%, selected limb removal & reduction of 1 no. limb by 2.5m over porch of 1 no Holm Oak.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	There are a number of mature trees on the east, south and west boundaries of the site with smaller trees and shrubbery between them.
BOUNDARY TREATMENT	Trees and shrubbery reaching approximately 2 metres in height and above.
SITE CHARACTERISTICS	The tree in question is situated on the edge of a hard surfaced car parking area that serves an adjoining two storey gable roof building that houses two flats. The elevation walls are pained render set upon a brick plinth wall. In addition there is an attached flat roof single storey extension to the front.
CHARACTER OF LOCALITY	The site is located towards the end of a private cul-de-sac which features a variety of residential buildings with detached bungalows towards the entrance to the road to the west and small two storey flat buildings towards the end. There are hard surfaced car parking areas to the side and rear of the flat buildings. The presence of a number of large, mature trees gives a secluded quality to the street despite it being within the built-up area and surrounded by development.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Objection. The Committee was opposed to drastic surgery unless the ADC Arboriculturalist recommended the tree should be reduced. However comment was made that no work should be carried out while birds are nesting in the tree.

Comments on Representations received:

Noted. The Council's Arboriculturalist considers the proposed works to be suitable for the tree. An informative raising awareness of the Wildlife Act of 1981 and the legal responsinilities towards nesting birds.

CONSULTATIONS

Horticulturist - Mr Everson

Consultations responses received:

The tree has a height of some 20 metres with an average of 6 metres in each direction. There is a large bough which spreads out in NW direction and overhangs the neighbouring property and is a roosting area for pigeons.

The application asks for a general reduction of the large limb and thinning of the crown by 20%.

I have no objection to this work being carried out and it will ensure the trees healthy future and is in the interest of good husbandry.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan	LOC1	Locational Strategy
	DEV1	High Quality Development
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands

PLANNING POLICY GUIDANCE

		Circular 36/78
		DETR TPO's A guide to Law and Good Practice
	PPS1	Delivering Sustainable Development

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPO's, 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 Holm Oak tree forms a prominent feature in the south west corner of the site. There are a number of other mature trees on the southern boundary of the site although the Holm Oak appears to be the most substantial example. It is considered that the Holm Oak tree contributes towards the cumulative effect that the collection of trees on the site have into defining the character and appearance of the surrounding area by way of their screening and aesthetic qualities.

It is considered that the proposed works, although involving a reduction of the crown of the tree, will not cause any unacceptable loss in the amenity values that the tree provides. The bulk of the crown will remain and the height of the tree will be brought in line with that of many of the smaller neighbouring mature trees.

The canopy of the tree shadows the majority of the area of the car park it is situated towards the edge of as well as a large part of the rear garden of 3 Elfin Close to the south. It is considered that the thinning of the crown of the tree will reduce this shading and increase the sunlight amenities towards the site and its neighbours.

It is therefore recommended that this application be approved subject to the conditions aet out overleaf.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The works hereby approved shall involve thethinning of the crown of an Holm Oal

a maximum of 20%, selected limb removal and the reduction of one limb by a maximum of 2.5 metres.

All works shall be carried out in accordance with BS 3998: 1989 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy DEV1 of the West Sussex Structure Plan and 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 policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

3 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 policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

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.