

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

REF NO: BR/150/19/T

LOCATION: Homecroft House
Sylvan Way
Bognor Regis
PO21 2NG

PROPOSAL: Reduce/remove small branches (defined in this instance as being <75mm diameter) as necessary to achieve a maximum of 2metres building clearance.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined within this application are located to the west of the flats and to the north west of the carpark.
SITE CHARACTERISTICS	Block of flats.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BR/283/17/T	Crown reduction of 1No. Sycamore by 3m & 1No.Maple by 2m	ApproveConditionally 12-12-17
BR/248/11/T	Reduce tips of 1 No English Oak tree by 3 metres	ApproveConditionally 09-11-11
BR/211/09/T	Fell one Hawthorn.	ApproveConditionally 15-10-09
BR/292/04/T	Re-pollarding of 1 English Oak (Quercus robur) tree at the original height of approx. 6m.	Refused 29-09-04 Appeal: Part Allowed 14-04-05

Relevant history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

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

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree officers comments:

Pedunculate oak / Quercus robur Approx. height: 20m Average spread: 9m Age class: Mature
Outwardly and from a distance this tree appears to be in a fine physiological state. It has been the past subject of extensive low branch removal to accommodate adjacent development (residential property); despite that, it has an attractive crown profile and represents a significant visual amenity.

It is a large landmark tree with a full and spreading crown, both highly visible from numerous properties and to users of the public highway (footway and carriageway).

·The seasonal and occasionally heavy shedding of leaves, fruit and small dead twigs/branches is typical of such aged examples of its type and not obviously associated with an underlying health condition. Such nuisance is to be tolerated if we are to have mature trees of high quality such as this in an urban setting.

·I find the work specification proposed to be 'open to interpretation' and as such, were we to grant consent could potentially lead to the removal of major limbs or branches which would create large wounds on the main stem.

·Building clearance appears to be adequate but I accept may be problematic during some episodes of inclement weather.

Conclusions:

·This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.

·The proposed removal of low branches back to the main stem would be in excess of that which is required to provide adequate clearance of the adjacent built structure and create large wounds on the main stem with potentially serious implications for the tree's long-term health and vitality. I am therefore unable to concur with the reasons stated as being sufficient to justify the extent of work now proposed.

·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.

Recommendations:

·As it stands, I recommend REFUSAL for this application.

Advisory:

·I would like to see the applicant submit a revised work specification such as detailed below, which would seem to address their concerns whilst preventing a diminution of the tree's landscape and public amenity value:

Reduce/remove small branches (defined in this instance as being <75mm diameter) as necessary to achieve a maximum of 2metres building clearance.

·If the applicant is prepared to re-submit in line with this advice, then I would be able to recommend APPROVAL subject to the following conditions.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Within the built up area boundary.
Tree Preservation Orders

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 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

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
 - 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.
 - Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
 - See also the standard pruning guidance notes issued with the consent letter
- 2

INFORMATIVE: ·The applicant is aware of 3rd party ownership of this tree, nevertheless we are obliged to advise that any consent granted by the Local Planning Authority does not by association give authority to the applicant to access the tree or undertake any work from beyond the boundary of their own property without first seeking permission from the tree owner.
- 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.