

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

REF NO: BR/174/21/T

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

PROPOSAL: Various works to various trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at The Maples, 45 Victoria Drive.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BR/76/21/T	Various works to various trees.	
BR/153/19/T	Crown reduction of 1m to 2 No. Mountain Ash tree and crown reduction of 2m to 1 No. Bay tree.	
BR/206/18/T	1.5m reduction to top of crown & 1.5m reduction to area of crown overhanging Flat 5 to 1 No. Oak tree	ApproveConditionally 18-10-18
BR/136/18/T	Surgery to various trees	ApproveConditionally 04-09-18
BR/34/18/T	Surgery to various trees	

Relevant planning history noted.

REPRESENTATIONS

No objection from Town Council.

No representations from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

The applicant has employed All Seasons as agent, who have provided a tree survey and plan. This is comprehensive and includes a detailed work specification with satisfactory reasons given for the majority of items.

The site is densely populated with trees along the south boundary, from where the majority of protected trees grow (TPO/3/82 - G4). Those are predominantly early mature sycamore of varying form and overall in good physiological condition. Collectively they present largely unmodified and attractive upper crown profiles, adding maturity to the surroundings. Whilst seasonal nuisance and general influence over residential property is accepted, high-level canopy brings important benefits and visual amenity to the area.

The agent proposes replacement of two (TPO) trees identified for removal, items 0241 & 0242. That is justified and while I welcome the intent, it may be difficult to ensure the establishment of 'like for like' replacements beneath such dense canopy (perhaps there are locations elsewhere on the site which are more suitable?). Furthermore, their loss will not be detrimental to public amenity and so I would not insist on their replacement.

I support crown reduction pruning, as described, for item 0245, but do not consider it appropriate for: 0252, 0255, 0257 & 0258 at this time.

Conclusions:

The majority of work proposed is justified on arboricultural grounds and would not incur loss of public visual amenity.

There are four established sycamore of apparent good form, for which justification has not been provided for proposed crown reduction pruning at this time. Such work would diminish their place in the landscape.

Recommendations:

As it stands, I recommend REFUSAL for this application.

I would like the applicant to be invited to agree to a revised proposal for lesser works (by removing crown reduction pruning to items: 0252, 0255, 0257, 0258) as part of the current application so as not to incur further delay.

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 condition:

Condition to Be Applied to Approved Work :

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

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following comments from the tree officer, it is recommended consent be refused.

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

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**REFUSE**

- 1 This application has been refused on the grounds that there are four established sycamore of apparent good form, for which justification has not been provided for proposed crown reduction pruning at this time. Such work would diminish their place in the landscape.