

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** BR/201/17/T**LOCATION:** Nyewood C of E Junior School
Brent Road
Bognor Regis**PROPOSAL:** Fell 5 No. Ash trees, 3m crown lift to 1 No. Holm Oak, 3m crown reduction to 3 lowest limbs of 1 No. Ash tree & 1.5m crown reduction to 1 No. Rowan.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

As above.

TREES

The trees outlined in this application are located on the land within the boundaries of Nyewood C of E Junior School, Brent Road, Bognor Regis.

SITE CHARACTERISTICS

Dwelling.

CHARACTER OF LOCALITY

Residential.

RELEVANT SITE HISTORY

BR/386/03/T	Fell 11 No. conifers	Withdrawn 09-01-2004
BR/334/06/T	Reduce 1 No. Oak tree by 25%	Withdrawn 07-11-2006
BR/275/08/T	Various surgery to 4 no. trees.	Approve 06-11-2008
BR/213/10/T	Various surgery to 1 No Horse chestnut tree, 3 No Ash trees and 1 No Oak tree	ApproveConditionally 08-09-2010
BR/323/13/T	Crown lift 1 No. Swedish Whitebeam by 2.5m all aspects (4m over garden of 1 Newhalls Close) & Fell 1 No. Box Elder.	Refused 17-02-2014
BR/131/15/T	Fell 1 No. Japanese Cherry (Prunus Serrulata), 2 No. Common Ash (fraxinus excelsior) and 1 no. Golden Weeping Willow (salix chrysocoma) trees and surgery to 1 no. Field Maple (Acer Campesire) tree.	ApproveConditionally 27-07-2015
BR/63/16/T	Fell 1 No Willow tree to ground level	ApproveConditionally 26-04-2016

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Parish Council - No objection.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

T12 Rowan - reduce by up to 1.5m overall to tidy after deadwood removal.

T27 Holm Oak - crown raise to 3m over footway to clear obstruction to pedestrian passage.

T45 Ash - reduce the length of three lowest limbs over play area by up to 3m to make safe in view of tight forks; fused limbs & decay.

Clump 1 Ash saplings - cut down to fence height and then poison remaining trunks - they are damaging the fence and compromising the security of the school.

Clump 2 Ash saplings - cut down to fence height and then poison remaining trunks - they are damaging the fence and compromising the security of the school.

- These trees make a contribution in the landscape but have problems as described above that either compromise safety or security.

Conclusions:

- These works are reasonable and sensible to correct the problems being experienced and they form part of a sound management strategy.

Recommendations:

- I recommend APPROVAL for the works as listed in this application.

Conditions To Be Applied to All Approved Works: -

- 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.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within Built Up Area

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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

It is recommended that consent be granted 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

In assessing this proposal neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 - 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.

- 2 **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.

- 3 **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.