

TREE WORKS CONSENT REPORT**REF NO:** BR/213/10/T**LOCATION:** Nyewood C of E Junior School
Brent Road
Bognor Regis**PROPOSAL:** Various surgery to 1 No Horse chestnut tree, 3 No Ash trees and 1 No Oak tree**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	One Horse Chestnut tree, three Ash trees and one Oak tree.
BOUNDARY TREATMENT	Mesh fencing approximately 2m high. Green painted metal gates and railings to front entrance.
SITE CHARACTERISTICS	The site is a primary school, brick faced and white cladded with associated car parking and playing field.
CHARACTER OF LOCALITY	The site is located in a residential area, of predominantly two storey terraced dwellings.

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BR/386/03/T	Fell 11 No. conifers	Withdrawn 09-01-2004
BR/334/06/T	Reduce 1 No. Oak tree by 25%	Withdrawn 07-11-2006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/163/76/T	Fell 7 Elms and 1 Macracarpa	Approve Cond 28-04-1976

REPRESENTATIONS**Representations received:**
Bognor Regis Town Council

Bognor Regis Town Council:

No Objection subject to the approval of the Arun District Council Arboriculturist. It is recommended, if approved, that no work should be carried out if any birds or bats are nesting.

Comments on Representations received:

Noted. Suitable informatives relating to nesting birds and bats etc, have been added to the recommendation.

CONSULTATIONS

Tree Officer

Consultations responses received:

District Arboriculturist:

Deadwooding of trees, as requested, is exempt from requiring consent. The trees which grow close to the Amberley Drive property of No's 49 and 51 will become a direct nuisance and I recommend that the crowns of the Ash and Horse Chestnut be cut back to at least the fence boundary. It is recommended that the Horse Chestnut be cut back to previous pollard points and the Ash to healthy side branches in an attempt to retain a natural 'tree' shape rather than appearing harshly lopped back.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN7 GEN28	The Form of New Development Trees and Woodlands
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PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
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SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general, and, other than Circular 37/78 and DETR TPOs, 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

This application seeks permission to carry out works to various trees located within Nyewood C of E Junior School.

The trees subject of the application are located on the northern and western boundaries of the site, to the rear of properties in Amberley Drive.

The works proposed include the trimming back of those trees that overhang the boundaries of neighbouring residential properties, and the dead wooding of the trees. It should be noted that consent is not required for the removal of dead wood.

The District Arboriculturist has advised that the proposed works are acceptable. It is therefore recommended that the application be approved, subject to the following conditions:

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 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 policy GEN7 of the Arun District Local Plan.

- 2 The tree works approved shall only involve those set out in the application form submitted with the application, that is the trimming back of trees overhanging boundary fences. The removal of dead wood does not require consent.

Reason: In order to maintain the health and appearance of the trees in accordance with policies GEN7 and GEN28 of the Arun District Local Plan.

- 3 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 policy 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.

- 5 **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.