

TREE WORKS CONSENT REPORT**REF NO:** BR/217/10/T**LOCATION:** Sabey Court
Albert Road
Bognor Regis**PROPOSAL:** Surgery to 1 No Lime tree**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Lime tree the subject of this application. The Sycamore tree within the immediate vicinity the subject of a separate tree application BR/221/10/T.
BOUNDARY TREATMENT	Rear boundary has wall approximately 1.2m in height + elevation of outbuilding, north side boundary has hedging approximately 2.5m, south side boundary close boarded fencing approximately 1.2m in height.
SITE CHARACTERISTICS	Four storey apartment block with garage compound to rear. The property has cream painted rendered walls with grey brickwork, white window frames with a grey tiled mansard roof.
CHARACTER OF LOCALITY	Residential comprising three storey semi-detached, detached two storey properties, apartments to west of site, church on corner.

RELEVANT SITE HISTORY

BR/272/02/T	Application for the lopping of one double forked lime tree and one sycamore tree.	Approve Cond 26-11-2002
BR/66/05/T	Application to fell 1No Lime Tree and 1No Sycamore Tree	Refused 15-04-2005

REPRESENTATIONS**Representations received:**

Bognor Regis Town Council

No objection subject to the approval of the ADC Arboriculturist. It is recommended, if

approved, that no work should be carried out if any birds or bats are nesting.

Comments on Representations received:

Comments noted.

If approved, an informative will be placed on any approval regarding nesting birds and bats.

CONSULTATIONS

Tree Officer

Consultations responses received:

Council's Arboriculturist

There are two trees at the rear of the above location, a Sycamore and Lime and both form a group and should be treated as such when submitting tree work applications. Both trees are semi-mature, however the application refers to the Lime tree situated to the south of the group.

The Lime tree has suffered the loss of a branch to the top south east of the crown. The secondary branch has torn down a main primary branch causing a large bark wound. The tree has a multiple branching structure and reducing the wounded branch could be achieved without it being visibly detrimental to its overall appearance.

The majority of the crown foliage is exposed to the prevailing salt laden south easterly winds, causing the leaf margins to brown and become crisp. A heavy reduction of 30% will produce profuse and less hardy foliage becoming easily damaged by the coastal winds, making the tree more unsightly. Overhanging branches to the east and some lower re-growth from the main stem are touching the garage and roof causing a nuisance.

In the absence of having a good reason for an overall and general crown reduction, such an operation is not recommended. However, it is recommended that a variation to the requested 30% crown reduction should be carried out to maintain the aesthetic appearance of the tree, including other works to abate a nuisance, as follows:

Allow for the reduction of the crown portion affected by the damaged limb by 30% and gradually tapering the reduction from 30% to 10% within a distance of 3m to provide a smooth profile.

The lower east crown to be pruned away from the garages/outbuilding to provide a gap of 1m.

The re-growths/epicormics from the main stem to be pruned back providing a height clearance from the ground of 2.5m, which will effectively clear the garages/outbuilding.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary
Tree Preservation Order BR/2/94

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands

PLANNING POLICY GUIDANCE

PPS1

Delivering Sustainable Development

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 36/78 and DETR TPOs, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

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 mature Lime tree which is the subject of Tree Preservation Order 2/94 is sited to the rear of the site adjacent to the boundary wall in the communal area and surrounded by two to three storey blocks of flats. The Lime tree is only visible from certain viewpoints from the street scene in between the block of flats.

The Lime tree is sited adjacent to a Sycamore tree which is the subject of a separate application for the reduction and reshape under BR/221/10/T. A previous application BR/66/05/T to fell both the Lime and Sycamore tree was refused as there was no arboricultural justification submitted for the felling.

This application seeks to reduce and reshape the Lime tree by 30%. The Council Arboriculturist has inspected the tree and has recommended that an overall 30% reduction is not necessary but has advised that the crown portion affected by the damaged limb be reduced by 30%, gradually tapering the reduction from 30% to 10% within a distance of 3m to provide a smooth profile with the east crown to be pruned away and the regrowths/epicormics from the main stem to be pruned back.

The applicant has agreed the revised works to the Lime tree and it is therefore recommended to approve the application, 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 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.

- 3 The works hereby approved to the Lime tree shall involve the reduction of the crown portion affected by the damaged limb by 30% and gradually tapering the reduction from 30% to 10% within a distance of 3m to provide a smooth profile.

The lower east crown to be pruned away from the garages/outbuilding to provide a gap of 1m.

The re-growths/epicormics from the main stem to be pruned back providing a height clearance from the ground of 2.5m, which will effectively clear the garages/outbuilding.

All works shall be carried out in accordance with BS3998:1989 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy 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.