

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

REF NO: BR/225/21/T

LOCATION: Hardy House
25 Nelson Road
Bognor Regis
PO21 2RY

PROPOSAL: Crown reduction of 1 No. Oak tree to height approx 10m and spread approx 8m.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	1 No. Oak tree - Crown reduction to height approximately 10m and spread approximately 8m. Within front of property, Hardy House, 25 Nelson Road.
SITE CHARACTERISTICS	Residential.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

BR/220/18/T	2m Crown Reduction to 1 No. Oak tree and Crown Lift to provide 5m ground clearance.	ApproveConditionally 18-10-18
BR/158/18/T	Reduce crown by 2m & raise skirt to 5m height to 1 No. Oak tree.	
BR/255/13/T	Reduce 1 No Oak tree by 2 metres due to growth nearing the property and removal of lower epicormic growth	ApproveConditionally 04-12-13
BR/121/06/T	Raise the crown by 4 metres in height, thin the main crown by 25% & reduce the remainder of the crown by 30% of 1 no. Oak tree, and felling of 1 no. Poplar tree.	ApproveConditionally 19-06-06

REPRESENTATIONS

None received.

COMMENTS ON REPRESENTATIONS RECEIVED:

Parish Council - No objection.

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

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Arun District Council Tree Officer recommends approval subject to conditions. Full details of his comments available to view on the Councils web site for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

TPO's on site.

Pagham Harbour zone B.

Built-up area boundary.

2km buffer zone of a SSSI.

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

CONCLUSIONS

Having regard to the tree officer's comments, it is recommended that the application for the above works to 1 No. Oak tree, 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.
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.
The removal of crown material which has developed since the last operation must be done sympathetically and with respect to established 'knuckles' so as not to extend beyond the point of origin.

Reasons: In the interest of the tree's 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 0345 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.
- 4 **INFORMATIVE:** See also the standard pruning guidance notes issued with the consent letter. Pruning guidance form reference BS 3998:2010.