Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: **BR/237/12/TC**

LOCATION: Hotham Park House
1 High Street
Bognor Regis

PROPOSAL: Pollard 1no. Holm Oak tree by 9 metres, pollard 2 no. Holm Oak trees by 7 metres & crown reduce 2 no. Leylandii trees by 10 metres within the Upper Bognor road & Mead lane Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Holm Oak abd Lelandii trees the subject of this notification but various trees within and around the site.
BOUNDARY TREATMENT	Close boarded fencing approximately 1.8m in height to south side boundary, north side boundary has elevation of outbuilding approximately 3m in height.
SITE CHARACTERISTICS	Hotham Park House is a Grade II Listed Building. Two storeys with basement, bay windows, iron balcony and verandah. The walls are rendered painted white with white window frames. Gravel driveway to front.
CHARACTER OF LOCALITY	Within the Conservation Area. Property is sited within Hotham park which is open to the general public. Apartments to west of site in Arran Gate.

RELEVANT SITE HISTORY

BR/265/99/TC	Topping and selective lopping of 1 Parrotia Persica tree within the Upper Bognor Road and Mead Lane Conservation Area.	No Objection 05-01-2000
BR/355/04/TC	Felling and removal of roots of 1no. mature Sycamore (Acer pseudoplatanus) tree within the Upper Bognor Road and Mead Lane Conservation Area.	No Objection 12-11-2004

BR/14/05/TC	Lop one Beech Tree within the Upper Bognor Road and Mead Lane Conservation Area.	No Objection 16-02-2005
BR/82/07/TC	Reduce height & spread by 30% of 1 x Specimen tree Parrotia Persica within the Upper Bognor Road & Mead Lane Conservation area	No Objection 11-05-2007
BR/259/09/TC	Removal of 1 no. self set Beech tree (within the Upper Bognor Road & Mead Lane Conservation Area)	No Objection 27-11-2009
BR/187/12/TC	Crown thin by 30% 1 No Holm Oak tree within the Upper Bognor Road and Mead Lane Conservation Area	No Objection 17-08-2012

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

No objection
Subject to the approval of the Arboricultural Officer at ADC. It is recommended, if approved, that no work should be carried out if any birds or bats are nesting.

1 Letter of Objection
The West Sussex Wildlife Protection Group opposes the notification on the basis that no tree surgery unless dead or dangerous.

Comments on Representations received:

Parish Council and Objection comments noted
See Arboriculturist's recommendation. If approved, an informative will be placed on any decision regarding nesting of birds and bats during the months between April to September.

CONSULTATIONS

Conservation Officer

Council's Arboriculturist

Consultations responses received:

Conservation Officer
Awaited

Council's Arboriculturist
The Holm Oaks have been lopped before, re-lopping may prolong their life expectancy and the Leylandii are not significant. I therefore do not recommend that those trees affected by the proposal require protection under a new TPO.

Comments on Consultation responses:

Arboriculturist's comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Conservation Area
Grade II Listed Building
Setting of Listed Building
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

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 211(1) of the Town and Country Planning Act 1990 states:-
'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'
It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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 notification is for the surgery to 3 no. Holm Oak trees and 2 no. Leylandii trees within the enclosed garden of Hotham Park House.

The trees are of a substantial height but are not readily visible. The notification seeks to pollard by 9 metres the 2 Holm Oak trees sited in the south west corner of the garden and pollard by 7m the 2 Holm Oak trees which are sited in the west side of the garden. The notification also seeks to crown reduce the 2 Leylandii trees by 10m.

The Council's Arboriculturist has inspected the trees and has raised no objection to the proposed surgery.

It is therefore recommended that no objection be raised or Tree Preservation Order be made.

RECOMMENDATION

NO OBJECTION

1 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.

2 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 amendd) 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.