

**TREE WORKS CONSENT REPORT****REF NO:** BR/238/09/T**LOCATION:** Hollywood Cottage/East Dean Chalets  
Bersted Street  
Bognor Regis**PROPOSAL:** Crown lift/reduce and remove deadwood to 3 no. Ilex Oak trees.**SITE AND SURROUNDINGS**

|                             |                                                                                                                                                        |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | As above                                                                                                                                               |
| SITE AREA                   | N/A                                                                                                                                                    |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                                                                                                                    |
| TOPOGRAPHY                  | Predominantly flat                                                                                                                                     |
| TREES                       | The trees the subject of this application but various trees within the immediate vicinity.                                                             |
| BOUNDARY TREATMENT          | Front has wall + hedging approximately 1.8m in height, west side boundary has hedging approximately 1.5m in height, east side boundary tree screening. |
| SITE CHARACTERISTICS        | Driveway leads to single storey property which has white painted walls, white window frames with a red tiled roof.                                     |
| CHARACTER OF LOCALITY       | Residential comprising detached properties of various styles and designs, terrace of 4 with garage compound to east of site.                           |

**RELEVANT SITE HISTORY**

|             |                                         |                            |
|-------------|-----------------------------------------|----------------------------|
| BR/180/00/T | Lopping and topping of 3 Holm Oak Trees | Approve Cond<br>01-09-2000 |
|-------------|-----------------------------------------|----------------------------|

**REPRESENTATIONS****Representations received:**

Bognor Regis Town Council

No objection subject to the approval of the ADC Arboriculturist and protection for wild birds nesting.

**Comments on Representations received:**

Noted.

**CONSULTATIONS**

Horticulturist

**Consultations responses received:**

I have visited the property and noted the work which is proposed for the three trees, which involved crown lifting, dead wooding and restoring the balance and symmetry of all three trees (T1-T3). There is extra work envisaged for T3 which will entail the underpinning of the foundations of the building and replace the wall under the tree with a wooden fence which will allow for future growth of the roots.

I have no problem with this application and agree that the work is in line with conserving the continued healthy presence of these three trees.

**Comments on Consultation responses:**

Noted and agreed.

**POLICY CONTEXT**

Designation applicable to site:

Within the Built Up Area Boundary  
Tree Preservation Order

**DEVELOPMENT PLAN POLICIES**

South East Plan:

|                           |                       |                             |
|---------------------------|-----------------------|-----------------------------|
| Arun District Local Plan: | <a href="#">GEN2</a>  | Built-up Area Boundary      |
|                           | <a href="#">GEN7</a>  | The Form of New Development |
|                           | <a href="#">GEN28</a> | 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 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**

The three Oak Ilex trees which are subject of Tree Preservation Order BR/1/98 are located at the front of the property adjacent to the driveway on the eastern boundary. The two trees to the front T1 and T2 are readily visible in the street scene and of visual amenity value. T3 is set back from the highway and sited adjacent to the property.

A previous application BR/180/00/T was approved for the lopping and topping on 1st September 2000. This application seeks to reduce the weight in the crown and restore the balance of the trees whilst preserving their shape.

The Council's Arboriculturist has inspected the trees and has no objection to the proposed surgery which will maintain the health of the trees.

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 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 shall involve the crown lift/reduction and removal of deadwood to 3 Ilex Oak trees. 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 DEV1 of the West Structure Plan and 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.