

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** BR/258/17/T**LOCATION:** Chipley Court
Hawthorn Road
Bognor Regis**PROPOSAL:** Fell 1no. Austrian Pine (T1) to Ground Level. Remove 2 No. lower lateral branches on southern side of Austrian Pine (T2) and a side reduction of Northern Crown of between 1M-2.5M**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION

As above.

TREES

The tree outlined in this application is located on the land at Chipley Court, Hawthorn Road, Bognor Regis.

SITE CHARACTERISTICS

Dwelling.

CHARACTER OF LOCALITY

Residential.

RELEVANT SITE HISTORY

BR/354/04/T	Removal of branches from two Pinus Radiata trees, overhanging 4 & 5 Woodend	ApproveConditionally 22-12-2004
BR/301/11/T	1 No Beech tree to be reduced by 3-4m from the North East to remove overhang and shade	ApproveConditionally 02-02-2012
BR/272/12/T	Remove one branch from 1 No Monterey Pine tree which is overhanging driveway	Refused 10-12-2012 <i>Appealed</i> Appeal: Decline Jurdctn 26 02 2013
BR/313/12/T	Reduce most easterly limb of 1no. Corsican Pine by 4 metres from the tip. Reduce back the overhanging branches from driveway by 1-2 metres & remove any deadwood	ApproveConditionally 08-02-2013
BR/82/13/T	Remove 2 No branches on the west side of the crown to 1 No Monterey Pine tree	Refused 09-05-2013 <i>Appealed</i> Appeal: Dismissed 06 08 2013
BR/171/15/T	Reduce eastern lateral branches to 1No. Beech tree & 1No. Austrian Pine tree to	ApproveConditionally 21-10-2015

provide a 3m buffer away from Chipley Court.

BR/160/16/T	Repollard to previous points to 2 No. Holm Oak trees & crown lift to a clearance of 5.2m over vehicular entrance to 1 No. Common Ash tree & 1 No. Silver Birch tree.	Approve Conditionally 08-09-2016
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Relevant planning history noted.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Parish Council - No objection.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

T1 Austrian Pine *Pinus nigra* 'Austriaca' Av Ht - 20m Av Sprd - 8m Age - Mature

- A healthy tree that has been topped out in the past giving it a multi-stemmed appearance in the upper crown.
- It makes a significant contribution in the landscape and merits its TPO status.
- Significant disruption of the access drives to adjacent properties has been experienced over a long period of time and a permanent solution is sought to this problem.
- Extensive trenching investigation work has been undertaken to the adjacent drives and this has exposed a massing of root just below the surface which comes from this tree.

T2 Austrian Pine *Pinus nigra* 'Austriaca' Av Ht - 20m Av Sprd - 8m Age - Mature

- A healthy tree that has been topped out in the past giving it a multi-stemmed appearance in the upper crown.
- It makes a significant contribution in the landscape and merits its TPO status.
- Due to competition with other trees the crown has become flattened and grows primarily to the north and south.
- The northern side overhangs the drive to 'The Acorns' and whilst the driveway has suffered only minor lifting of brick setts there is an issue with the needle drop and also cone shedding.

Conclusions:

T1 Austrian Pine *Pinus nigra* 'Austriaca'

- Pruning the tree has been tried before and this has not prevented this problem and to prune a conifer of this sort to the heavy degree necessary to have any real effect would remove all of the live growth and thus kill the tree.
- To remove the volume of roots found just below the surface would have a significant adverse impact on the vigour and vitality of this tree also allowing access to fungal pathogens through large open wounds.
- Under the circumstances I see no alternative but to allow the removal of this tree to abate the severe nuisance being caused- subject to a replacement being planted of a species which has a less vigorous rooting habit.

T2 Austrian Pine *Pinus nigra* 'Austriaca'

- The levels of pruning requested will give a better balance to the crown and also help to abate the nuisance of needle cast and dropping cones.
- None of this work will be to the detriment of the trees visual amenity value or vigour and vitality.

Recommendations:

- I recommend APPROVAL for the works as listed in this application.

Conditions To Be Applied to All Approved Pruning Works: -

- 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.

Reasons : In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- See also the standard pruning guidance notes issued with the consent letter.

I APPROVE of the removal and replacement of T1 Austrian Pine subject to the following condition:-

Conditions to be applied to the approved felling works:

- Once the Pine tree has been removed and ground out then a replacement tree is to be planted 'in the same place'.
- This is to be of Heavy Standard Nursery Stock proportions (12-14cm girth & 3m to 4m overall height) supported on a 'short stake' system with appropriate securing ties and pads.
- It is to be planted within 12 months of the removal of the Pine tree.

The species shall be selected from the following:-

Foxglove Tree - *Paulownia tomentosa*
Dawn Redwood - *Metasequoia glyptostroboides*
Tupelo - *Nyssa sylvatica*

Reasons : To accord with current industry guidelines and sound arboricultural practice in general and provide for continuity in the landscape.

Comments on Consultation responses:

Comments noted, the relevant conditions shall be applied.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

It is recommended that consent be granted 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

In assessing this proposal neutral 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).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 - 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.

- Once the Pine tree has been removed and ground out then a replacement tree is to be planted 'in the same place'.

- This is to be of Heavy Standard Nursery Stock proportions (12-14cm girth & 3m to 4m overall height) supported on a 'short stake' system with appropriate securing ties and pads.

- It is to be planted within 12 months of the removal of the Pine tree.

- The species shall be selected from the following:-

Foxglove Tree - *Paulownia tomentosa*

Dawn Redwood - *Metasequoia glyptostroboides*

Tupelo - *Nyssa sylvatica*

Reasons : In the interests of the trees 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 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.