

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

REF NO: BR/267/18/T

LOCATION: 4 Pinewood Gardens
Bognor Regis
PO21 2XB

PROPOSAL: Fell 1No. Liquid Amber tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located at the rear of the property.
SITE CHARACTERISTICS	Dwelling with gardens to front and rear.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

BR/273/17/T	Fell 1No. Liquid Amber tree	Refused 23-01-18
BR/18/16/T	Crown thin by 20% and crown lift to 3.5m and reduce lowest spanning limb by 1m, 1No. Liquid Amber.	ApproveConditionally 23-02-16

History noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council

Bognor Regis Parish Council: No objection received from Bognor Regis Parish.

1 letter of no objection from a nearby occupier -
- Would not object if a similar tree was replanted.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

This is a repeat application, following receipt of BR/273/17/T validated on 13th November 2017.

- Significant ornamental tree with moderate growth potential. This tree appears to have good vitality and certainly displays good form.
- Limited view from the main road at this time but a focal point for surrounding properties and local residents.
- Structurally important roots are prominent in the surrounding grass area, which suggest it is growing on largely made-up ground (construction spoil).
- No other significant trees or large shrubs in the immediate locality, although historic records reveal a mature birch tree in the rear garden (up until c2008).
- Garden boundary wall has a deep stepped vertical crack from near ground level to the top, both along pointing and through bricks. The crack is notably wider at the top (5-7mm) and so indicative of a heave event. There does not appear to have been any obvious deterioration (widening) since last inspected (18-Jan-2018).

Conclusions:

- This tree has significant amenity value and its retention is highly desirable.
- No evidence has been submitted which confirms this tree's involvement in any damage to built structure.
- All the areas of reported damage have not been properly investigated by a competent engineer/surveyor to determine the probable cause of deterioration and we would need to see a report which evidences those results before being able to consider giving consent to fell this tree.

Recommendations:

- I recommend REFUSAL for this application.

Advisory:

-If the applicant remains concerned about this tree's potential involvement in deterioration of their brick boundary wall, then I advise a narrow (<300mm wide) exploratory excavation be attempted parallel to the wall, to a depth sufficient to determine both the extent and condition of the footings. Any problematic root material (<25mm diameter) closely associated with the damage event could be removed at that time, under supervision and in agreement with the local planning authority's tree officer. Note: All parts (above and below ground) of the tree are similarly protected by the existing Order (TPO).

Mark Warwick

Tree Officer / Parks and Greenspace Team

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

DEVELOPMENT PLAN POLICES

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

Following the comments from the Tree Officer, it is recommended consent be refused.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 The tree makes a significant contribution to the character of the area and therefore in the absence of any arboricultural justification the loss of the tree would be detrimental to the visual amenities of the locality in conflict.
- 2 **ADVISORY:**
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