

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** BR/277/13/T**LOCATION:** Communal Land to South East of 25 Servite Close
and land outside 10 Servite Close
Bognor Regis**PROPOSAL:** Fell 1no Norway Maple tree & various surgery to 4no Ash trees & 1no Norway Maple.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
TOPOGRAPHY	Predominantly flat.
TREES	No other trees are affected by the proposed development.
SITE CHARACTERISTICS	The site is an open grassed community land located at the end of a residential street southeast of 25 Servite Close.

RELEVANT SITE HISTORY

BR/282/94/T	Fell one Ash tree, prune out dead wood and reduce crowns of 9 no. Ash trees, 5 no.Sycamore trees and 1 no.Silver Birch tree.	ApproveConditionally 31-03-1995
BR/167/98/T	Various tree surgery	ApproveConditionally 02-10-1998
BR/240/99/T	Fell one Birch tree, two Sycamore trees and reduce height of two Leylandii trees	Withdrawn 26-11-1999
BR/272/01/T	Works to various trees	ApproveConditionally 12-10-2001
BR/277/07/T	Application to carry out surgery to Tree 1 Acer Pseudoplaatanus (Sycamore) to reduce and thin canopy by approx 15%. Remove dead, diseased, damaged wood.	Withdrawn 27-09-2007
BR/84/08/T	20% overall crown reduction to one Sycamore tree.	ApproveConditionally 16-04-2008
BR/60/09/T	Surgery to one Ash Tree - reduce limbs that overhang neighbours garden by approx 20% and balance canopy accordingly, raise crown	Refused 14-05-2009

to 6m clearance

BR/162/09/T	Surgery to 2 no Ash trees, 1 no Sycamore, 1 Robinia and 1 no Sweet Chestnut	ApproveConditionally 19-08-2009
BR/165/10/T	Application for the crown reduction of one no.Sycamore tree by 20%.	ApproveConditionally 28-07-2010
BR/769/74/T	Felling of one sycamore	Refused 01-08-1975
BR/280/78/T	Lopping of 17 various trees	ApproveConditionally 31-05-1978
BR/760/81/T	Fell 1 evergreen oak top 1 sycamore 2 maple 2 ash lop 2 maple & 1 ash & remove dead wood from 2 birches	ApproveConditionally 02-12-1981
BR/214/84/T	Fell two macrocarpa trees to the rear of nos 28 & 32 Highland Avenue	Withdrawn 22-05-1984

Planning permission has previously been granted for works to or the felling of trees in this location.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council - Objection Members believe unless there is reasonable doubt that these trees are structurally sound, they should where possible remain as they are. Members suggested the ADC Arboricultural Officer should inspect the area and commented that if trees do need to be removed, they should be replaced with something similar.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arborist - No objection raised to the proposed works. Works to trees T1, T3 and T4 are for deadwood removal which is permitted under the exemption clause. Tree T2 should be felled to ground level and the stump removed by a specialist machine to a depth of 300mm and replace within 12 months with the new tree being of Selected Nursery Stock Standard proportions and adequately stacked and tied with the species selected from Manna ash (*Fraxinus ornus*), Caucasian Wingnut (*Pterocarya fraxinifolia*) or Norway Maple (*Acer platanoides*). T5 should be reduced only where it overhangs the garden of No 25 Servite Close. T6 Reduce the length of the southern limb ONLY by a maximum of 4m. All works should be carried out in accordance with BS 3998.

Comments on Consultation responses:

n/a

POLICY CONTEXT

Designations applicable to the sites:

Within built-up area boundary;
Tree Preservation Order.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

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 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 their impact on the amenity of the area.

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

All six trees are clearly visible from public vantage points and contribute considerable amenity value to the area. The proposed works to T1, T3 and T4 are permitted under the exemption clause whilst no objection was raised by the Council's Arborist in relation to the proposed works to T2, T5 and T6. T2 is deemed to be in terminal decline and as such its removal and replacement will improve the future amenity value of the group. Whilst works to T5 and T6 are limited to the removal of specific branches and as such will have minimal impact upon the amenity value of the trees.

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 (insert number and description) 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 (negative, Neutral or positive) 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 The works hereby approved shall involve;

T1 Ash - Remove deadwood

T2 Norway Maple - Fell to ground level and then have the stump ground out by a specialist machine to a depth of 300mm and remove all chippings and backfill the hole with soil and tamp down to make safe. Plant a replacement tree as close to the original location as is practical within 12 months of removal.

T3 Ash - Remove deadwood

T4 Norway Maple - Remove deadwood

T5 Ash - Reduce north side of tree only where it overhangs the garden of No 25 Servite Close - making all final cuts in accordance with Figure 2 of BS 3998.

T6 Ash - Reduce the length of the southern limb only (that contains the woodpecker holes and cavities) by a maximum of 4m - making all final cuts in accordance with BS 3998.

All works shall be carried out in accordance with BS3998: 2010 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interest of amenity.

- 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.

- 3 The applicant shall during the next planting season following the felling of the trees, the subject of this application, plant replacement trees of a species and maturity and in positions approved by the Local Planning Authority and under its supervision and in the event that any such trees die within five years following such planting shall replace them by similar trees in similar positions during the next planting season.

Reason: To retain trees in the interests of the environment of the locality.

- 4 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.

- 5 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.

- 6 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.