

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

REF NO: BR/282/21/T

LOCATION: Meadow Entry
8 Crescenta Walk
Aldwick
Bognor Regis
PO21 2YA

PROPOSAL: 1 No. Japanese Maple tree (Acer) - Remove/reduce low branches as necessary, to achieve a maximum of 2.5 metres overhead clearance above the driveway and public footway. Remove/reduce low branches as necessary, to achieve a maximum of 5.0 metres overhead clearance directly above the carriageway and kerb edge.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated to the front of the property, close to the western boundary.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

No relevant planning history.

REPRESENTATIONS

Bognor Regis Town Council - No Objection:
- Subject to the approval of the ADC Arboriculturist. It is recommended, if approved, that no work should be carried out if any birds or bats are nesting.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

Tree Officer

Outwardly and from roadside this tree appears to be in a fine physiological state and assumed to be so in the absence of any evidence provided to the contrary.

It has excellent form, largely due to the absence of upper crown modification (pruning). A fine specimen tree which makes a significant visual contribution to the street scene.

Low growth is beginning to encroach into the public highway and become problematic for driveway access.

The applicant and I disagree in our assessment of the tree's overall dimensions.

Conclusions:

Whole crown reduction pruning (height and lateral spread on all aspects) has not been justified on arboricultural grounds.

This species of tree is unlikely to tolerate such an operation (to any extent), resulting in harm to the health and vitality of the tree with large pruning wounds being formed and incurring permanent loss of amenity.

Recommendations:

As it stands, I am unable to support this application. I would like the applicant to be invited to agree to a revised proposal for lesser works (such as described below) as part of the current application so as not to incur further delay. Such work would go some way to addressing their concerns whilst preventing a diminution of the tree's landscape and public amenity value:

- Remove/reduce low branches as necessary, to achieve a maximum of 2.5 metres overhead clearance above the driveway and public footway.
- Remove/reduce low branches as necessary, to achieve a maximum of 5.0 metres overhead clearance directly above the carriageway and kerb edge.

If the applicant is prepared to re-submit in line with this advice, then I would be able to recommend APPROVAL subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Agent agreed to revised proposal for lesser works in line with the Tree Officer's recommendation.

POLICY CONTEXT

Built Up Area Boundary
TPO
Pagham Harbour Zone B
2km Buffer for Site of Special Scientific Interest

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the Tree Officer and agreed changes to proposed works with the Agent, it is recommended consent be approved, 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

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

APPROVE CONDITIONALLY

- 1 Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010

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 interest of the tree's continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2 INFORMATIVE: The long-term vitality of this tree is best respected when the pruning of live branches is undertaken during either the summer (June to August) or mid-winter (late-December to early-February) period.
- 3 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.
- 4 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 0345 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.