

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

REF NO: BR/44/18/T

LOCATION: Pagham Court
262 Hawthorn Road
Bognor Regis
PO21 2UP

PROPOSAL: Reduce branches to 1No Holm Oak on NW aspect only to achieve a 2m clearance from the building and crown lift to 2.5m on all aspects.
Reduce branches on N aspect only to 1No.Red Oak to achieve a maximum of 2m clearance from the building.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees are situated to the front of the property.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

None

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Bognor Regis Town Council
Parish Council provided no objection
1 letter of objection.
- the trees provide screening.
- the trees provide habitats
- no obvious reason for works

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments Noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer

All trees are positioned to the front of the property and are visible to public highway users. The two deciduous oak (TB and TC) are especially prominent and share a crown profile that makes a fine contribution to the streetscape.

All have unmodified crowns and display good form and apparent good health. TA was observed at close quarters on all aspects and appears to be in adequately sound and healthy condition. TB and TC were observed from nearby, looking across the private communal garden area and from roadside of the boundary fenceline and appear to be in adequately sound and healthy condition.

These trees provide valuable and established screening of a large residential complex at a busy confluence of arterial routes and in an area noted for its high tree cover.

TA is the only tree included that can be reasonably considered as casting excessive shade onto adjacent residential dwellings - an inevitable consequence of the permitted development.

Conclusions:

TA has a squat compact form with strongly vertical growth in the upper half of its crown. This does not lend itself to satisfactory reduction as it would result in a dramatic loss of aesthetic value.

TB and TC are significant features in the local landscape. The tree surgery proposed in the application is not justified on arboricultural grounds.

If permitted, the above work would result in unnecessary reduction of their landscape impact and undue detriment to the visual amenities of the locality.

There is a valid reason for pruning back some of the branches on the NW aspect of TA to achieve satisfactory building clearance and meet a reasonable expectation of ambient natural light level into residential dwellings.

I recommend REFUSAL for this application.

Advisory:

I suggest the applicant re-submits with the following work specification:

TA (TPO G1) Holm oak

- Reduce back branches on NW aspect only, to achieve maximum 2 metre clearance of building
- Crown lift to 2.5m on all aspects

TB (TPO G2) Red oak

- Reduce back branches on N aspect only, to achieve maximum 2 metre clearance of building

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICES

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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Following comments from the tree officer and the agreed change of description with the applicant in line with advisory comments, it is recommended the application be approved.

HUMAN RIGHTS ACT**FOR APPROVAL**

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

- 1 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.
- 2 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.