

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

REF NO: BR/53/15/T

LOCATION: 31 Nelson Road
Bognor Regis

PROPOSAL: Fell 1No. Oak tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Oak tree the subject of this application.
BOUNDARY TREATMENT	Close boarded fencing approximately 1.8m in height surrounds the site.
SITE CHARACTERISTICS	Detached two storey chalet with two storey extension on rear, decking area to rear. The property has painted elevations, tiled roof and white window frames.
CHARACTER OF LOCALITY	Residential comprising detached and semi-detached two storey dwellings and bungalows of various styles and designs.

RELEVANT SITE HISTORY

BR/279/07/T	Lopping & topping approx 1/3 of growth of branches on one large Oak tree	ApproveConditionally 17-10-2007
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REPRESENTATIONS

Representations received:

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.

1 Letter of Objection.

Many trees in the last few years have been cut down within the immediate vicinity. The Oak tree is near the junction of three gardens and whilst it appears that there is some disease the oak species has remarkable ability to regenerate.

We are not convinced that the tree could fall and we would like to see a report by a skilled tree expert and tree surgeon. This could include alternatives to its destruction, maintaining its beneficial environment by cutting it back so that no great damage could result if it were to fall.

Comments on Representations received:

Parish Council and Objection comments noted

See Tree Officer's recommendation. If approved, a condition will be imposed regarding a replacement tree.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer

T1 Species: Oak Quercus Height: 10 meters Average Branch Spread: 4 meters Crown Condition: poor Form: very poor Age Class: mat

The tree is situated in the area of Bognor Regis. The surrounding landscape has a reasonable mix established trees of varying age classes.

The tree highlighted in this application is situated on the rear boundary of 31 Nelson Road. From the site inspection it was clear that this tree is a mature specimen, which has a clear extensive cavity which has now compromised over a third of the basal cross sectional area. Also from the site inspection it is clear that the majority of the remaining canopy is concentrated on the south side of this specimen. T1 has therefore got a highly unbalanced crown, and considering the decay present in the basal area, there is a real possibility of a systemic failure occurring.

From the site inspection, T1 is clearly entered the retrenchment stage of its lifecycle. This can be attributed to the amount/position of the dead wood present in the extremities of the crown. Considering T1 is in the retrenchment stage of its lifecycle, the potential retention span would be greatly reduced.

As the basal area of T1 has now been comprised, and the guaranteed retention span would be less than 10 years, I would have no objection to the felling of this T1.

As this tree has an active TPO, a replacement tree must be planted to mitigate the loss of T1.

The replacement tree must:

1. Have an expected mature height that exceeds a height of 10 meters
2. Should be planted within 20 meters of T1.

Suggested replacements would include;

1. Acer capillipes
2. Acer saccharinum
3. Acer diabolicum
4. Acer campestre
5. Gymnocladus dioica
6. Malus spectabilis

The final planting selection can be chosen by the applicant.

Comments on Consultation responses:

Tree Officer comments noted

If approved, a condition will be imposed regarding a replacement tree.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Tree Preservation Order 2/58

PDR on BR/421/05 Conditions 3 & 4.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under References ID 36-090-20140306 and ID36-091-20140306, 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

The Oak tree is sited in the rear garden in the north west corner adjacent to a holly tree which is visible to neighbouring gardens.

The application seeks to fell the mature Oak tree as it is suffering from decay and the applicant is concerned regarding the stability of the tree and its proximity to neighbouring properties. The Tree Officer has inspected the tree which has extensive decay in the basal cavity creating an unbalanced crown with the possibility of systemic failure occurring. As the basal crown has been compromised the guaranteed retention span would be less than 10 years.

He has raised no objection to the felling of the tree, subject to a replacement tree being planted which should have a mature height that exceeds 10m.

It is therefore recommended that the application be approved, subject to conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The applicant shall during the next planting season following the felling of the Oak tree, the subject of this application, plant a replacement tree within 20m of the felled tree. The species to be agreed by the Local Authority should have a mature height that exceeds 10m. In the event that the tree dies within five years following such planting a replacement tree shall be planted in a similar position during the next planting season.

The Tree Officer has suggested the following replacements:

Acer capillipes
Acer saccharinum
Acer diabolicum
Acer campestre
Gymnocladus dioica
Malus spectabilis

Reason: To retain trees in the interests of the environment of the locality in accordance with policy GEN7 of the Arun District Local Plan.

- 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 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 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.