

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

REF NO: BR/65/20/T

LOCATION: 106 Chichester Road
Bognor Regis
PO21 5AA

PROPOSAL: Remove large bough growing towards neighbouring flats with large rot pocket at 3m and reduce selectively by 1-2m to leave a balanced tree after bough removed to 1 No. Walnut tree (T3).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the grounds of 106 Chichester Road.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

BR/285/16/T	Prune back crown of 1 No. Common Beech to give a maximum clearance of 2m to neighbouring property on North East side Remove stem on North East side of 1 No. Walnut tree by 4.5m to the previous pruning point	ApproveConditionally 05-01-17
BR/257/14/T	Prune back crown to 1 No. Common Beech tree T3 to give 2m clearance to property on north-east side, remove stem on north-east side of 1 No. Walnut Tree T4 by no more than 5m.	ApproveConditionally 25-11-14
BR/273/09/T	Remove & grind stump of 2 no. Common Beech trees & reduce crown by no more than 15% of 1 no. Common Beech tree. Reduce crown by 2m & remove lower epicormic growth to 1 no. Walnut tree	Refused 23-12-09
BR/72/09/T	Fell 2 Beech trees and reduce 1 Beech and 1 Walnut tree by 30% in height and spread.	Refused 12-06-09

BR/418/05/T	Fell 3 No. Chestnut trees and reduce 1no.Walnut tree by 50% in height and width	Refused 02-03-06
BR/114/02/T	25% reduction of limbs of 1 walnut tree and one beech tree.	ApproveConditionally 24-06-02
BR/326/01/T	Fell 2 Chestnut trees, reduce by 50% 1 Chestnut tree and reduce by 50% 1 Walnut tree.	Refused 12-12-01

Relevant site history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No response from Bognor Regis Town Council.

One letter of objection to the works on the Beech Trees due to its impact on nature.

COMMENTS ON REPRESENTATIONS RECEIVED:

The beech trees have been removed from the application on arboricultural grounds.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

T1/T2 Beech / *Fagus sylvatica* Height: 15-20m Average spread: 0-5m Age class: Mature

T3 Walnut / *Juglans regia* Height: 10-15m Average spread: 0-5m Age class: Mature

- T1/T2 - Outwardly and from a distance (restricted view) they appear to be in a fine physiological state. Two beech trees providing mutual support and sharing an attractive profile. T2 is subordinate to its companion and with asymmetric form. Together they are a landmark feature, growing from within raised garden alongside a busy public highway junction. As such, they have high amenity value.

- T3 - Outwardly and from a distance (restricted view) appears to be in a fair physiological state. Slightly asymmetric form and with a relatively unmodified upper crown. Truncated limb with decay pockets giving rise to the bulk of boundary/building overhang.

- Discreetly located between neighbouring dwellings and partly obscured from public view by T1/T2 and its companion.

- The extent of stem/limb/branch removal is not made clear in the work proposal. Removal of the stem (which displays an open cavity at around 3m height) would create a very large wound close to the union of other major stems. Either way, there is little to be gained from leaving a pronounced stump other than

to avoid the risk of a poorly targeted final cut.

Conclusions:

- T1/T2 - These trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of their landscape impact and undue detriment to the visual amenities of the locality.
- T3 - The intent behind the work proposal is reasonable and justified on arboricultural grounds. This is a tree that is becoming compromised by ongoing requirements for maintenance pruning and inevitably will become subordinate to the beech trees.
- This species has a poor tolerance of hard pruning and are prone to bleeding from wounds at certain times of year, so the need for quality work undertaken at an appropriate time is critical to their ongoing health and vitality.

Recommendations:

- As it stands, I recommend REFUSAL for this application.

Advisory:

- I would like to see the applicant agree to remove their work proposal for T1/T2 from the current application, so that we can approve the work proposal for T3 in good time.
- If the applicant is prepared to revise their application in line with this advice, then I would be able to recommend APPROVAL subject to the following condition and further advisory comment.

Agent agreed to the changes in the application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

2km Buffer for Site of Special Scientific Interest.
Pagham Harbour Zone B]Within the Built Up Area Boundary
Tree Preservation Orders
WSCC Mineral Consultation Area.

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

CONCLUSIONS

Following the tree officers comments 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.

- See also the standard pruning guidance notes issued with the consent letter

- 2 Advisory: The long-term vitality of this tree is best respected when significant pruning work such as proposed, is undertaken during either the summer (June to August) or mid-winter (late-December to early-February) periods. The work should only be undertaken during these periods.
- 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.