

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

REF NO: BR/7/22/T

LOCATION: Nyewood Church Of England Junior School
Brent Road
Bognor Regis
PO21 5NW

PROPOSAL: Fell 1 No. Monterey Cypress (T1).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is located along the eastern boundary of the site.
SITE CHARACTERISTICS	School.
CHARACTER OF LOCALITY	Predominantly residential.

RELEVANT SITE HISTORY

BR/131/15/T	Fell 1 No. Japanese Cherry (Prunus Serrulata), 2 No. Common Ash (fraxinus excelsior) and 1 no. Golden Weeping Willow (salix chrysocoma) trees and surgery to 1 no. Field Maple (Acer Campesire) tree.	ApproveConditionally 27-07-15
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Relevant planning history noted.

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.

Four objections received:

- The tree should not be removed and it would be more appropriate to carefully with consideration reduce the length of the branches, tree maintenance. Bearing in mind the age of this tree and Arun's policy of retaining trees they would be totally against the planning application and would object to this drastic action. There is a reason why TPO's are placed on trees and this they believe is a good example for the need to upkeep the purpose of the TPO, especially in regards to the current global climate.

- Can see that the tree may cause some problems where it overhangs garages if branches break off. The application to have the tree completely felled is believed to be rather drastic as the tree is obviously in good health. They would expect basic maintenance to be carried out rather than complete felling, especially as the tree has a TPO on it which should be respected.

- The tree is healthy. The whole tree does not need to be taken, just the branches removed that hang over the garages. Too many trees have been felled around Pinewood gardens and the school over the

past several years. We need to preserve our old trees.

- Only need to take the big branches hanging over the garages, not the whole thing.

One no objection received:

- Believes the tree adds to the area and would be a true loss if felled.

COMMENTS ON REPRESENTATIONS RECEIVED:

The no objection representation received from a nearby occupier appears to differ from what is stated in the response.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

I have considered this application by means of a desktop review, using the information and plans submitted as well as online resources. Previous consideration from the adjacent school site and familiarity with surrounding areas provides further insight to the proposal.

The applicant/agent reports a recent limb collapsed on a block of garages but does not describe the nature of that failure and if any damage was sustained. We can only assume the limb collapse was progressive and an isolated incident.

The overall condition of the tree is not reported to be a concern (application form, sect.4) or any defect/disease identified.

It is a large and long-established tree with obvious amenity value and appeared to be in a fine physiological state when viewed from within the school grounds (October 2021). It has an unmodified upper crown profile and is visually impressive.

Conclusions:

This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.

There is no obvious arboricultural justification for the work proposed.

Recommendation:

I recommend REFUSAL for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

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 comments from the tree officer, it is recommended consent be refused.

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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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

REFUSE

- 1 There is no arboricultural reason for the tree to be felled and its felling would detract from the amenities of the locality.
- 2 INFORMATIVE: The removal of dead or imminently dangerous branches is an exception and does not require permission, although in respect of the latter those undertaking are required to notify the local planning authority at the earliest opportunity and works should only be to the extent that the immediate threat to person(s) or property is abated. Any work desired beyond that which is absolutely necessary requires a formal application.