

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

REF NO: BR/94/19/T

LOCATION: Mead Lane Car Park
University of Chichester
Bognor Regis

PROPOSAL: Remove lowest south easterly limb to 1 No. Holm Oak tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located at the entrance to the car park.
SITE CHARACTERISTICS	Car park to University of Chichester.
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

BR/24/15/TC	Cut back limbs of 1 No. Oak tree on south side of canteen side by 4-5m & reduce height of shrub hedge, containing Laurel, Holly & Elaeagnus, to 3m within the Upper Bognor Road & Mead Lane Conservation Area.	No Objection 17-03-15
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Relevant planning history noted.

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.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

This is a large and prominent tree, highly visible from adjacent properties and the public highway (footway and carriageway). Outwardly and from a distance it appears to be in a fine physiological state.

It has a relatively unmodified and attractive crown profile, albeit asymmetric and suggesting the historic loss of a companion tree. On closer inspection an established fungal decay event is apparent in the main stem, betrayed by the presence of a large perennial bracket (*Phellinus* sp.?) - worthy of further investigation by an experienced tree assessor if not already undertaken.

The limb proposed for removal is in decline, having died back from its tip almost to the point where numerous wounds are evident, those appearing to have been caused by successive impacts from high-sided vehicles.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Conservation Area

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 the comments from the tree officer, 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 The final cut shall be located no less than 3metres from the parent stem and not exceeding a diameter of 200mm. In any event, the final cut must be made at the correct angle shown in BS3998:2010 and adjacent to a live lateral branch.
Reasons: In the interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 2 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.
- 3 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.