

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

REF NO: FP/166/17/T

LOCATION: 54 Outerwyke Road
Bognor Regis

PROPOSAL: 8m height reduction & 4m crown reduction to 1 No. Poplar.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

As above.

TREES

The tree outlined in this application is located adjacent to the highway at 54 Outerwyke Road, Bognor Regis.

SITE CHARACTERISTICS

Dwelling.

CHARACTER OF LOCALITY

Residential.

RELEVANT SITE HISTORY

FP/137/04/T	Application to fell and carry out surgery on various trees	ApproveConditionally 26-07-2004
FP/51/10/T	Fell two no. Monterey Cypress trees.	ApproveConditionally 02-06-2010
BR/115/63/D	To lop trees	Approve 22-10-1965
BR/100/83/T	To fell 3 macrocarpa trees	ApproveConditionally 30-03-1983

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Parish Council - No objection.

Nearby occupiers - No Objection - The tree is a dread as during its pod burst the materials are difficult to clear up.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

T1 - Hybrid Black Poplar Populus x euroamericana Height = 26m Avge spread = 10m Age = Mature

- This is a significant tree in the landscape and appears sound and healthy and very vigorous.
- It is positioned on a West Sussex County Council verge outside No 54 adjacent to the road and thus is not in the ownership of the applicants at No 76.
- Given the species of tree concerned and its propensity to shed limbs at this age - having previously been very heavily topped out at 8m from ground level in the past - I can see why the applicants might have concerns over its safety.
- As such I would have no issue with the amount of heavy reduction and reshaping of the crown which has been requested in order to get its vigorous growth habit back under control.

Conclusions:

- I sympathise with the applicants concerns for the safety of this tree and am able to recommend approval for the pruning requested but this does not give the applicant clearance to undertake the works. In order to do this they will have to first seek the approval of the owner of the tree. Failure to do so might render them liable to a legal action from the owners for trespass and damage to property.

Recommendations:

- I recommend APPROVAL of this application as described in the application details and subject to the following conditions and also subject to the applicants gaining the tree owners approval prior to commencing any works:-

Conditions To Be Applied to All Approved Works: -

- 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 interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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

It is recommended that consent be granted 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

In assessing this proposal neutral 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).

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 interests of the trees continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.

- 2 **INFORMATIVE:**
In order to perform the works hereby approved the applicant will have to seek the approval of the owner of the tree. Failure to do so will likely render them liable to a legal action from the owners for trespass and damage to property.
- 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.