

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: AL/42/20/TC

LOCATION: Field House
Church Road
Aldingbourne
PO20 3TT

PROPOSAL: Various works to various trees within Church Road, Aldingbourne Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated on the site of Field House Church Road
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AL/126/18/TC	Crown lift of 4m to 1 No. Willow tree, Crown lift of 5m to 1 No. Willow tree and 1 No. Ash Tree within the Church Road, Aldingbourne Conservation area.	No Objection 15-01-19
AL/82/04/TC	Pollarding of two Willow trees (Within the Aldingbourne Conservation Area)	No Objection 24-09-04

Relevant Planning History noted.

REPRESENTATIONS

No response from Aldingbourne Parish Council.
No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS**CONSULTATION RESPONSES RECEIVED:**

The aforementioned survey describes T1 as being in general good health with no obvious defects. My own inspection from the roadside (restricted view of ground conditions over rooting area, stem base and twin-union) naturally supports this description but I must also emphasise that this is a specimen of very high quality. It appears to be in a fine physiological state and with splendid form despite having twin stems arising from 1.2m. The crown profile is largely unmodified and therefore presents a natural shape, with graceful pendulous branches characteristic of the species.

- It occupies a prominent position overhanging the road and so visible from surrounding properties and in part to users of the public highway. As such, it has high amenity value.

· Overhead and lateral clearance of branches above and from the applicant's property is adequate and future growth from the tree is unlikely to result in any 'actionable nuisance'.

Conclusions:

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

· The applicant proposes crown reduction to accommodate solar panel installation. It is possible to achieve a worthwhile installation without the need to resort to an overall reduction in the tree's crown height and spread, that would irrevocably spoil its appearance.

· The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities and character of the locality.

Recommendations:

· I register No Objection to the work proposed for items T2, T3, T4 & T5

· T1 - I recommend the making of a Tree Preservation Order to preserve its place in the landscape and better control its future management. I attach a TEMPO form and GIS plan for this purpose.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Built up Area Boundary

Conservation 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 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

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, there are no objections to Trees 2 3 4 and 5. But Objects to T1 and requests a Tree Preservation Order be made.

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

OBJECTION

- 1 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.

- 2 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.