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

REF NO: AW/103/21/TC

LOCATION: The White House
24 Kingsway
Aldwick
PO21 4DH

PROPOSAL: Remove 4 No. Bay shrubs. Fell 1 No. Holly tree. Reduce height to approx. 4m 1 No. Maple tree and reduce height to 3m 10 No. Leylandi trees within the Craigwell House, Aldwick conservation area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at The White House, 24 Kingsway.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/189/15/TC	Fell 1 No. Eucalyptus tree within the Craigweil House Conservation Area.	No Objection 12-08-15
AW/185/15/HH	Demolition of existing rear sun room & erection of new single storey rear extension. This application affects the character & appearance of the Craigweil House Conservation Area.	ApproveConditionally 12-08-15
AW/77/19/HH	Installation of a detached timber garden room. This application affects the character and appearance of the Craigweil House Conservation Area	ApproveConditionally 02-05-19
AW/72/19/TC	Removal of 1 No. Laurel Bush within the Craigweil House, Aldwick Conservation Area.	No Objection 08-04-19
AW/102/17/TC	Fell 1No. Holly tree within the Aldwick, Craigweil House, Conservation area.	No Objection 25-05-17

AW/60/17/TC	Height reduction to 14No. Leylandii trees, crown reduction to 1No. Cherry Blossom & crown reduction to 1No. Laurel.	No Objection 28-03-17
AW/184/14/HH	Retrospective application for the erection of a 6 panel, 1.5 m (h) x 1.5 m (w) fence at the north boundary of the property. This application affects the character and appearance of the Craigweil House Conservation Area.	Refused 22-09-14 **Appeal: Dismissed 11-12-14**
AW/175/14/TC	To remove the stump of 1 No. Bay Tree within the Craigweil House Conservation Area	No Objection 05-08-14
AW/260/12/TC	Trim 3-4 m all around and tidy up of foliage, branches and bushes that have grown on it to 1 No Holly Tree within the Craigweil House Conservation Area	No Objection 12-11-12
AW/48/12/TC	Reduce tops of 14 no. Lleylandi trees by a maximum of 3m within the Craigweil House Conservation Area.	No Objection 24-04-12
AW/159/11/TC	Crown reduction by 50% to 1 No Eucalyptus tree and crown reduction by 50% to 1 No Holly tree within the Craigweil House Conservation Area	No Objection 19-08-11
AW/73/11/TC	Various tree surgery to include felling of 4 trees within the Craigweil House Conservation Area.	No Objection 10-05-11

Relevant planning history noted.

REPRESENTATIONS

No comments from Parish Council.
1 letter of support from nearby occupiers:
- Supports the tree works.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:
I visited this location roadside on 14th April 2021, to determine the aforementioned Town & Country Planning Act 1990 (as amended) s211 Notice.

I am satisfied that the works proposed will not result in character of the surrounding area being diminished.

I raise No Objection to the works that have been applied for and see no reason to make a Tree Preservation Order in this instance.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built-Up Area Boundary.
Tree Preservation Order.
Conservation Area.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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 be weighed in the balance with the Development Plan.

CONCLUSIONS

Following comments from the tree officer it is recommended there be no objection to the works proposed.

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

NO 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 0345 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.