

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

**REF NO:**        **AW/141/17/TC**

**LOCATION:**    The Bay House  
                 238 Manor Way  
                 Aldwick

**PROPOSAL:**   Fell 1No. Macrocarpa within the Aldwick Bay Conservation Area

**SITE AND SURROUNDINGS**

|                            |                                                                                                        |
|----------------------------|--------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above.                                                                                              |
| TREES                      | The tree outlined in this application is located on the land at The Bay House, 238 Manor Way, Aldwick. |
| SITE CHARACTERISTICS       | Dwelling.                                                                                              |
| CHARACTER OF LOCALITY      | Residential.                                                                                           |

**RELEVANT SITE HISTORY**

|             |                                                                                                                                                                                                      |                                    |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| AW/234/87/T | Top and lop 2 Norway Spruce and one Sycamore. Lop one Macrocarpa, shape one Cherry and fell one Oak                                                                                                  | ApproveConditionally<br>28-09-1987 |
| AW/141/04/T | Trim one tall Sycamore over- hanging, situated on land owned by Aldwick Bay Est.                                                                                                                     | ApproveConditionally<br>16-08-2004 |
| AW/231/09/T | Fell 2 no. Fir trees and grind out stumps                                                                                                                                                            | ApproveConditionally<br>15-01-2010 |
| AW/30/17/TC | Fell 1No. Oak tree, remove 1.5m from west side of 1No. Sycamore tree & remove 1.5m from west facing crown & 1m from remaining crown of 1No. Macrocarpa tree within the Aldwick Bay Conservation Area | No Objection<br>20-03-2017         |

Relevant planning history noted.

**REPRESENTATIONS**

**Representations received:**

Parish Council - No comment.

CAAC - No comment.

No representations received from nearby occupiers.

**Comments on Representations received:**

Noted.

## CONSULTATIONS

Conservation Officer  
Arboriculturist

### Consultations responses received:

Tree Officer - Objection. See TEMPO sheet on TPO/AW/5/17/

Monterey Cypress Cupressus macrocarpa Height: 20m Avge Spread: 7m Age: Mature  
- This tree makes a significant impact at the entrance to the Aldwick Bay Estate.  
- It has a dead top and also carries a large amount of deadwood all of which should be removed for safety reasons given the proximity to Barrack Lane.  
- It has a natural lean but the pruning works approved back in March would make the tree safe by reducing its crown area and the sail effect in high winds.

### Conclusions:

- The recently approved height and lateral spread reduction work coupled with the removal of all deadwood and the dead top will make this tree safe.  
- I do not agree with the R S Landscapes report and analysis that it is time to remove this tree and feel it has many years of useful life in which to contribute to the amenity of the Conservation Area.

### Recommendations:

- Under these circumstances I do not see the justification for this trees removal at this time and would recommend that a TPO is made to preserve the tree in the landscape and prevent the owners from felling it.  
- I attach a TEMPO form supporting this action.

### Comments on Consultation responses:

Comments noted.

## POLICY CONTEXT

Private Street  
Conservation 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 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

report

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 of the tree officer, it is recommended that an objection is raised and a TPO be made to protect the tree.

#### **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**

##### **OBJECTION**

- 1 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 of the locality.