

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

REF NO: AW/157/19/TC

LOCATION: 15 Wychwood Close
Aldwick
PO21 4DW

PROPOSAL: Fell 1 No. Mimosa tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located in the garden attached to the property.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/232/16/TC	Mimosa T1 - Remove lower limb that grows west over garden of No. 17, remove small lower limb that grown north along fence & reduce overall by a maximum of 3m back to previous pruning points achieved in April 2014 within the Crailweil House Conservation Area.	No Objection 15-09-16
AW/64/14/TC	Reduce 1 No Mimosa tree by 1-1.5 metres within the Craigweil House Conservation Area	No Objection 28-04-14
AW/303/06/	Rear 1st floor bedroom extension.	ApproveConditionally 05-01-07

Relevant history noted

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

Members agreed that the Aran Arboriculturist is consulted regarding the application and that his decision/recommendations are applied.

No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Tree officers comments:

I visited this location on 30th May 2019 to assess the mimosa tree, subject of this application. Following a desktop review, I am satisfied that this tree is not the subject of an Order, although it does benefit from statutory protection by virtue of growing within a Conservation Area.

I therefore recommend we amend the application reference so we can consider the tree work proposal as a s211 Notice under the Town & Country Planning Act 1990 (as amended).

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

Tree Preservation Orders

Within the Built-Up Area Boundary

Within the 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 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 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.