

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

REF NO: AW/173/20/TC

LOCATION: 7 The Drive
Aldwick
PO21 4DU

PROPOSAL: Fell 1 No. Holm Oak Tree within Craigwell House, Aldwick Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated on the site of 7 the Drive Aldwick
SITE CHARACTERISTICS	Residential
CHARACTER OF LOCALITY	Dwelling

RELEVANT SITE HISTORY

AW/110/19/TC	Crown reduction of 3m to 1 No. Cherry tree within the Craigweil House, Aldwick Conservation area.	No Objection 28-05-19
AW/126/17/TC	Fell 1No. Crab Apple tree within the Aldwick Craigweil House Conservation Area.	No Objection 22-06-17
AW/210/16/TC	Fell 1 No. Crab Apple tree within the Craigweil House Conservation Area.	No Objection 19-08-16

Relevant Planning history noted.

REPRESENTATIONS

No response from Parish.

No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

It appears to be outwardly healthy and stable. Historic crown reductions involved abrupt truncation of twin stems and limb/branch framework. Most recently undertaken by the applicant c2019 under planning ref. AW/145/19/T. The tree grows within a Conservation Area and may also be the subject of area Tree Preservation Order (Bognor No.2).

- It grows at the front of the property and is prominent roadside. It is clearly visible from surrounding properties and traffic accessing/exiting this part of the estate. It is growing in very close proximity to the front boundary, with clear evidence of associated major heave and distortion to adjacent built structures and hard surfacing on the applicant's property. Despite being subject of a hard-pruning regime it retains high growth potential and so developing twin stem and buttress root expansion is likely to cause further deterioration.

- It is an important constituent of an established long line of trees, the high canopy of which help define the character of the area and represent a significant public amenity. Wide grass verge to the east may present the best opportunity (subject to the presence of underground utility apparatus) for a suitable replacement tree. The applicant has expressed a strong desire to replant, which should be located to the front of the property either within the enclosed garden or on the roadside verge to provide some mitigation for the loss of public amenity.

Conclusions:

- The damage incurred to boundary wall and driveway is intolerable and their integrity (post-repair) is incompatible with the retention of this tree. The extent of root pruning required to facilitate even a short-term repair is highly likely to incur massive loss of the tree's structural integrity and so demand its removal.

- The loss of amenity incurred by this tree's removal can be compensated for in time with the planting of a suitably large and long-lived tree at a more harmonious location nearby.

Recommendation:

- I recommend CONSENT for this application.

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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the Tree Officer it is recommended that no objection be raised.

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.