

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

REF NO: AW/178/20/TC

LOCATION: 41 The Drive
Craigwell Estate
Bognor Regis
West Sussex

PROPOSAL: Crown reduction of 2 No. Oak Trees to height 17.5-18m and spread 5.5-6m within Craigwell House Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located in the grounds of 41 The Drive.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/348/15/TC	Reduce crowns of 2 No. Oak trees overall by 2-2.5m within the Craigwell House Conservation Area.	No Objection 26-01-16
AW/42/07/T	Raise crowns by 1 metre and trim back to previous pruning points, equivalent of 20% of overall crown to 2No Oak trees.	ApproveConditionally 20-03-07

Noted.

REPRESENTATIONS

Aldwick Parish Council: No objection

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

Location: Crown reduction of 2No. oak trees to height 17.5-18m and spread 5.5-6m within Craigweil House Conservation Area.

Works proposed: 41 The Drive, Craigweil Estate, Bognor Regis, West Sussex, PO21 4DT.

I visited this location on 19th August 2020, to determine the aforementioned Town & Country Planning Act 1990 (as amended) s211 Notice.

I am satisfied that the works proposed are in principle justified and ought not to result in character of the surrounding area being unduly 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

Within the Built Up Area Boundary
2km Buffer for Site of Special Scientific Interest
Pagham Harbour Zone B
Tree Preservation Orders
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 of the tree officer there is no objection to the works outlined in this application.

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