

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

REF NO: AW/186/18/TC

LOCATION: Land to North of flats in Bowling Green Close
Aldwick
West Sussex
PO21 4HB

PROPOSAL: 2m Crown Reduction & 4m Crown Lift to 1No. Lime within Aldwick Bay conservation area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located on Land to North of flats in Bowling Green Close.
SITE CHARACTERISTICS	Verge on corner of Bowling Green Close.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

BR/418/77/T	Fell One Poplar Tree	ApproveConditionally 24-08-77
AW/68/12/TC	Fell 2 no. Cypressus Leylandii within the Aldwick Bay Conservation Area	No Objection 13-04-12
AW/235/05/T	Removal of lower limbs to raise the crown by one metre.	ApproveConditionally 21-12-05
AW/69/89/T	Fell 10 Macrocarpas	ApproveConditionally 10-05-89
AW/30/87/T	Lop and top 10 Macrocarpa trees	ApproveConditionally 28-04-87

History noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Aldwick Parish Council

No response received from Aldwick Parish Council.

No response received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Location: Land to North of flats in Bowling Green Close, Aldwick

Description of works: 2m Crown Reduction and 4m Crown Lift to 1No. Lime within Aldwick Bay

Conservation Area

Comments on Application:

Lime, large-leaved *Tilia platyphyllos* Approx. height: 12m Average Spread: 6m Age: Early-mature

- This tree provides visual interest to adjacent residential properties but has limited public visibility. It is growing from a narrow section of verge and is in close proximity to a boundary fenceline. It grows low over carriageway and several gardens. It is beginning to dominate its confined location and possesses high growth potential.

- It has an attractive un-modified crown. Twin-stems from a low crown-break are compressed with no 'natural bracing' of limbs and branches apparent.

- The applicant's written intention is to undertake the work as described above. This does not correlate with the description written on the document (PMAC52) - an administrative error. I have amended the description in this report to reflect the applicant's written intentions and assume this Notice (s.211) can be determined from the same.

- Outwardly and from a distance this tree appears to be in good health and stable.

Conclusions:

- Despite its size and apparent good health, this tree will outgrow its location as it enters a mature phase. Some form of containment pruning will probably become desirable for this reason alone, notwithstanding the developing structural weakness at main stem unions. It is therefore unlikely to make a significant long-term contribution to the character of the surrounding area.

- The work proposed is justified on arboricultural grounds.

Recommendations:

- I raise No Objection to the works that have been applied for and see no reason to make a TPO in this instance

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

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 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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

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 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.