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

REF NO: **AW/203/17/TC**

LOCATION: The Water Tower
16 Craigweil Manor
Aldwick Bognor Regis

PROPOSAL: Fell 1No. Prunus tree within the Craigweil House Conversation Area, Aldwick.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at The Water Tower, 16 Craigweil Manor, Aldwick.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/60/99/T	1) Lightly reduce and thin one mature oak tree 2) reduce and reshape by approximately one third one sycamore tree.	ApproveConditionally 02-06-1999
AW/268/05/T	Surgery to various trees	ApproveConditionally 21-12-2005
AW/18/10/T	Approx 25% crown reduction & re-shaping and 10% crown thinning to previous pruning points of 1 no. twin stemmed Sycamore tree	ApproveConditionally 08-03-2010
AW/263/11/T	Crown reduction by 25% and gentle crown thinning by 10% of 1 no sycamore tree.	ApproveConditionally 06-01-2012
AW/334/15/TC	Fell 1No. Whitebeam & 1No. Yew within the Craigweil House Aldwick conservation area.	No Objection 10-12-2015
AW/329/15/T	Crown reduction of approx. 2 metres to 1No. Oak, 2 metre crown reduction to 1No. Sycamore, remove one lateral branch on east side of 1No. Yew	ApproveConditionally 22-12-2015

Relevant planning history noted.

REPRESENTATIONS

Representations received:

No comments received from Parish Council.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -
Purple Plum Prunus cerasifera 'Nigra Ht - 5m Av Sprd - 2m Age - Early-Mature
- This tree has died.
Conclusions:
- A TPO to control/prevent the works will not be recommended in this instance.
Recommendations:
- I recommend APPROVAL for the removal of this tree.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Private Street
Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

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 the comments of 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

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

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.