

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

REF NO: AW/213/19/TC

LOCATION: 217 Manor Way  
Aldwick  
Bognor Regis  
PO21 4HS

PROPOSAL: Crown reduction by 3m and crown thin by 33% to 1 No. Magnolia tree within the Aldwick Bay Conservation area.

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| <b>SITE AND SURROUNDINGS</b> |
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|----------------------------|-----------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above                                                                          |
| TREES                      | The tree outlined in this application is located in the grounds of 217 Manor Way. |
| SITE CHARACTERISTICS       | Dwelling.                                                                         |
| CHARACTER OF LOCALITY      | Residential.                                                                      |

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| <b>RELEVANT SITE HISTORY</b> |
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| AW/123/19/TC | Partial fell to 1-3m in height 1 No. Eucalyptus tree within the Aldwick Bay Conservation area.                 | Withdrawn<br>15-05-19    |
| AW/266/08/TC | Reduce back to old cuts 2 no. large Oaks and 1 no. large Field Maple within the Aldwick Bay Conservation Area. | No Objection<br>13-01-09 |
| AW/44/02/TC  | Proposed topping of 2 Oak Trees, 1 Field Maple and 1 Sycamore within the Aldwick Bay Conservation Area.        | No Objection<br>12-04-02 |

Relevant history noted.

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| <b>REPRESENTATIONS</b> |
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**REPRESENTATIONS RECEIVED:**

No response from Aldwick Parish Council.

Arun District Conservation Area Advisory Panel:  
Please refer to the Tree Officer.

No representation from nearby occupiers.

## COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

## CONSULTATIONS

Arboriculturist

Conservation Officer

## CONSULTATION RESPONSES RECEIVED:

Tree Officers Comments:

Evergreen magnolia / Magnolia grandiflora Approx. height: 10m Average spread: 4m Age class: Early mature

Åç I visited this location on 6th August 2019, to determine the aforementioned Town & Country Planning Act 1990 (as amended) s211 Notice.

- This tree appears to be outwardly healthy and stable with a relatively unmodified and attractive crown profile, despite the coastal influence and associated slight asymmetry.
- It is growing in the front garden of the property, relatively close to the built structure. It has significant ornamental value by virtue of its size, evergreen foliage and flowering potential. It is visible from neighbouring properties and to traffic on the main estate access (footway and carriageway). As such, it has public amenity value.
- The applicant proposes a potential 3metre reduction of top height and lateral spread. If the full extent of meterage is applied on all aspects this would exceed the recommendations in British Standard 3998:2010 - Tree Work.

Conclusions:

- Crown reduction and Crown thinning work has not been justified on arboricultural grounds. In respect of the latter, such work rarely provides a benefit to the tree and often only a short-term increase in light levels. Furthermore, combining the two operations (and especially to the extent proposed) could drastically alter tree dynamics and natural defences against wind pressure. The sudden exposure of central crown areas to such winds can result in significant damage.

Crown reduction work to the extent proposed is unnecessarily severe and if enacted to the maximum extent of 3m on all aspects would result in damaging loss of crown volume.

- The tree is an attractive feature in the local street-scene, contributes positively to the character of the area and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in undue detriment to the visual amenities of the locality.
- There is scope for lesser pruning work, to both preserve the tree's ongoing health and vitality whilst achieving greater harmony with its surroundings.

Recommendations:

- I recommend the making of a Tree Preservation Order to preserve its place in the landscape and better control its future management. I attach a TEMPO form and GIS plan for this purpose.

## COMMENTS ON CONSULTATION RESPONSES:

Comments noted

## POLICY CONTEXT

Within the Built Up Area Boundary

Tree Preservation Orders  
Conservation Area  
Pagham Harbour Zone B

**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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

**CONCLUSIONS**

Following the tree officers comments, it is recommended consent be refused and a Tree Preservation Order has been created.

**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), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal 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.

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| <b>RECOMMENDATION</b> |
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**OBJECTION**

- 1 The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality, in conflict with policy D DM1 of the Arun District Local Plan.