

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

REF NO: AW/222/18/TC

LOCATION: 34 The Drive
Bognor Regis
PO21 4DU

PROPOSAL: Fell 2No. Macrocarpa within Craigweil House, Aldwick conservation area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are located at the front of the property.
SITE CHARACTERISTICS	Detached dwelling with land surrounding.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

AW/78/18/TC	Reduce crown of 1No. Holm Oak by 2m all round. Reduce crown height of 1No. Bay tree by 1.5m and 1No. Bay tree by 3m and thin by 20%. Reduce crown height by 3m and reshape 1No. Prunus Avium and 1No. Pittosporum. Reduce crown by 1m and reshape 1No. Arbutus Unedo within the Craigweil Conservation Area.	No Objection 23-04-18
AW/9/17/TC	Remove Southern facing limb to 1No Poplar, fell 1No Acer, fell 1No Evergreen Zebrina & 5m Crown Lift 1No Mulberry tree	No Objection 27-02-17
AW/38/16/TC	Re-pollard to secondary pollard points (3m above original pollard points) to 3 No. Sycamore trees within the Craigweil House Conservation Area.	No Objection 10-03-16
AW/103/15/TC	1 no. Holm Oak - removal of lowest limb to north west corner at junction with main stem. Fell 1 no. Walnut tree within the Craigweil House Conservation Area.	No Objection 13-05-15
AW/58/15/T	Reduce crown by up to 2m to 1 No Holm Oak tree within	ApproveConditionally

the Craigweil House Conservation Area.

08-05-15

AW/28/15/T	Reduce crown of 1 No. Hom Oak tree.	Inc Docs Ret'nd 02-03-15
AW/124/11/TC	Reduce crown height by 30% & thin by 30% 1no. Bay tree, reduce crown height by 20% & thin by 30% 1 no. Bay tree and fell 1 no. Cupressus Macrocarpa (Goldcrest) within the Craigweil House Conservation Area.	Objection 21-06-11
AW/123/11/T	1x Holm Oak - Reduce by 20% all round, 1 x Holm Oak - Reduce crown by 20% all round & reduce to North East by 40%, 1 x Holm Oak - Reduce crown by 25% all round & reduce to NE by 40%, 1x Holm Oak - Reduce crown by 20% all round & reduce to NE by 30% to reduce crown assymetry	Refused 01-07-11
AW/161/10/TC	Fell 1 No Bay tree within the Craigweil House Conservation Area	No Objection 27-08-10
AW/3/10/TC	Reduce height of 1 no. Bay tree by approximately 1 metre and shape crown by light pruning (within the Craigweil House Conservation Area)	No Objection 19-02-10

Comments noted.

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

No response received from Aldwick Parish Council.
No response received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

I visited this location on September 3rd 2018, to determine the aforementioned Town & Country Planning Act 1990 (as amended) s211 Notice.

These are large specimens of their type, growing at the front boundary of the property and prominent in the surrounding area. The publicly visible northern aspects of both trees suggest a healthy and full crown, although there are signs of probable Seiridium canker infection on several branches. Branch dieback is far greater on their southern aspects. Disease progression is anticipated and this will have an intensely disfiguring effect with a negligible chance of recovery.

It has previously been confirmed by this authority that both trees do not pre-date the making of Area Order (Bognor No2) - 1958.

Although the loss of two large trees in close proximity will result in a temporary loss of character for the surrounding area, the work proposed is reasonable and justified. The applicant has committed to undertake replacement tree planting within 12 months of their removal.

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

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

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.