

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (TPO)

REF NO: AW/226/18/T

LOCATION: Pipistrelle
124 Manor Way
Aldwick
West Sussex

PROPOSAL: Fell 1No. Twisted Willow & 2m Crown Reduction to 1No. Prunus.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application is located in the rear garden.
SITE CHARACTERISTICS	Dwelling with gardens to rear and front.
CHARACTER OF LOCALITY	Residential area.

RELEVANT SITE HISTORY

AW/185/09/TC	Lop & top 1 no. Willow tree, 2 no. Tree of Heaven & 1 no. Prunus tree (within the Aldwick Bay Conservation Area)	No Objection 20-11-09
AW/110/06/TC	Application to fell 1no Tree of Heaven	No Objection 16-06-06
AW/226/03/TC	Lopping of various trees (Within the Aldwick Conservation Area)	No Objection 26-09-03
AW/100/00/TC	Fell 1 Prunus and 1 Cherry tree within the Aldwick Bay Conservation Area.	No Objection 26-06-00

History noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

No comments received from Aldwick Parish Council.

No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Response:

Planning reference: AW/226/18/T

I visited Pipistrelle, 124 Manor Way, Aldwick on both 10th and 15th October 2018.

Although not identified on any attached plan, the cherry tree referred to has to be one of two on the front lawn and the willow is one of a kind located in the rear garden. Despite the absence of a plan, I am confident in having undertaken a close inspection of the two trees intended as subjects of this application.

I have undertaken a desktop review of the Tree Preservation Order(s) which affect this plot. It seems that only Bognor No2 (Area Order) could apply. I am satisfied that neither tree would pre-date 1958 and so this Order does not apply. As such, I have considered their application in respect of the Conservation Area status which does apply. I am satisfied that the works proposed will not result in character of the surrounding area being 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.

My recommendation is that the applicant be advised to proceed without further recourse to this Authority.

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 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity

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 from the Tree Officer, it is recommended consent be approved.

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

APPROVE

- 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.