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

**REF NO:** **AW/249/17/TC**

**LOCATION:** 27 The Drive
Aldwick

**PROPOSAL:** Crown thin 1No. Eucalyptus by 20%, remove deadwood & shorten lateral limbs by 2m within the Craigweil House, Aldwick Conservation area

## SITE AND SURROUNDINGS

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|---|---|
| DESCRIPTION OF APPLICATION | As above. |
| TREES | The tree outlined in this application is located on the land at 27 The Drive, Aldwick. |
| SITE CHARACTERISTICS | Dwelling. |
| CHARACTER OF LOCALITY | Residential. |

## RELEVANT SITE HISTORY

| | | |
|---|---|---|
| AW/330/87/T | Fell one African Willow one Eucalyptus and five Silver Birch | ApproveConditionally 25-01-1988 |
| AW/24/12/TC | Fell 1 No Eucalyptus tree within the Craigweil House Conservaton Area | Objection 02-03-2012 |
| AW/282/12/TC | Surgery to various trees (Within the Craigweil House Conservation Area) | No Objection 07-01-2013 |
| AW/204/15/TC | Fell 1 No. Silver Birch tree & 1 No. Pittosporum tree within the Craigweil House Conservation Area. | No Objection 18-08-2015 |

Relevant planning history noted.

## REPRESENTATIONS

**Representations received:**
Parish Council - No response.

No representations received from nearby occupiers.

**Comments on Representations received:**
Noted.

## CONSULTATIONS

Arboriculturist
Conservation Officer

**Consultations responses received:**

Tree Officer -
Gum Tree Eucalyptus gunnii Height -12m Spread -5m Age - Semi-mature
- Small tree of limited landscape significance.
- Due south of the property and obstructs a lot of light.
- Is beginning to dominate the frontage.
- Straggly loose habit and pruning will improve this.

Conclusions:
- The works proposed will address the issue of its fast growth habit and light restriction.
- However, I do not see any real benefit in thinning this tree as it will quickly thicken up where the light gets in and thus defeat the purpose but equally I have no real objection to this if the owner wants to carry out this work.

Recommendations:
- I raise NO OBJECTION to these works and see no reason to apply a TPO to control or prevent them from taking place.

**Comments on Consultation responses:**

Comments noted.

**POLICY CONTEXT**

Private Street
Conservation Area
Tree Preservation Order

**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.