

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

REF NO: AW/269/20/TC

LOCATION: 20 The Fairway
Bognor Regis

PROPOSAL: Reduce 1 No. Lombardy Poplar to height 16m and spread 7m and Crown thin by 20% within the Aldwick Bay Conservation area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 20 The Fairway.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/179/20/TC	Reduce 1 No. Poplar in height by 6m and crown thin by 20% final height of 12m within the Aldwick Bay Conservation Area.	
AW/123/15/HH	Front extension. This application affects the character & appearance of Aldwick Bay Conservation Area	ApproveConditionally 24-06-15

Relevant planning history noted.

REPRESENTATIONS

No objection from Parish Council.
No comments from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

This tree appears to be outwardly healthy and stable with a full and attractive crown profile. No evidence of significant past modification of the crown. Appears to be a fine example of its type.

It is highly visible from surrounding properties. The upper crown is visually impressive when viewed from adjacent estate roads. As such, it has public amenity value.

Although the applicant is not required to provide any reasons for the proposed work, I am not aware of, nor did I observe any obvious arboricultural justification for the same.

The proper execution of crown thinning as defined by British Standard 3998:2010 Tree work - Recommendations involves 'the removal of a proportion (1:5 ratio proposed here) of small, live branches from throughout the crown to achieve an even density of foliage around a well-spaced and balanced branch structure.' Such an aim could only apply to the upper 2/3 of this tree and in any event would be an unsatisfactory outcome for it and with no discernible gain elsewhere. If the intention is remove any weak crossing branches then that needs to be specified so we are in no doubt as to the extent of material to be removed.

Conclusions:

This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression. The proposal to reduce the height by approximately 6metres could result in harm to the health and vitality of the tree with large pruning wounds being formed.

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.

I register an Objection to this proposal.

Recommendation:

I recommend the making of a Tree Preservation Order to preserve this tree's place in the landscape and better control future management. I will forward a TEMPO form and GIS plan separately for this purpose.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Build up area boundary.

Tree preservation order.

Conservation area.

Listed building.

DEVELOPMENT PLAN POLICIES

PLANNING POLICY GUIDANCE:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments of the tree officer, it is recommended that an objection is raised and a TPO be made to protect the tree.

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.

RECOMMENDATION

OBJECTION