

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

REF NO: AW/279/20/TC

LOCATION: 128 Manor Way
Aldwick
PO21 4HN

PROPOSAL: Crown reduction to height 8m and spread 6m 2 No. Conifer trees.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 128 Manor Way.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/59/96/TC	Fell 6 No. Conifer trees within the Aldwick Conservation Area	No Objection 07-06-96
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Relevant planning history noted.

REPRESENTATIONS

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

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Outwardly and from a distance both trees appear to be in a fair physiological state and free from any obvious significant structural defect. They exhibit unmodified and attractive upper crown profiles. They grow alongside the dwelling and are most prominent when viewed from Tithe Barn Way, a short section of estate road notable for its conifer tree-lined character - of which these trees are notable constituents. As such, they have public amenity value and contribute to the character of the area. In the absence of any documentation to the contrary, I have determined from size alone that neither tree would have been established at the time the sole Tree Preservation Order affecting this plot was made

(1958). They are growing within the Aldwick Bay Conservation Area and of sufficient size (stem diameter at 1.0m ht. >75mm) to enjoy Statutory Protection. As such, we can consider this application as a Sect. 211 Notice (Notice of intent to undertake works to a tree in Conservation Area).

Conclusions:

These trees require careful management that respects their age and vulnerability to environmental changes and disease progression.

There is no obvious arboricultural justification for the work proposed. An operation to reduce both the height and lateral spread on all aspects (the correct interpretation of crown reduction) by 4m and 3m respectively would not comply with 'British Standard (BS3998:2010) Tree work - Recommendations' and be likely to result in significant harm to the health and vitality of the trees with large pruning wounds being formed as well as undermining their visual amenity value and impact in the landscape. It may ultimately lead to their destruction.

Recommendation:

I register an Objection to this proposal and recommend the making of a Tree Preservation Order to preserve the trees place in the landscape and better control their future management. I attach a TEMPO form and GIS plan for this purpose.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.

Tree preservation order.

Conservation area.

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 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/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