

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

REF NO: AW/287/20/TC

LOCATION: Ashlyn
19 Craigweil Manor
Aldwick
PO21 4DJ

PROPOSAL: Fell 1 No. Rowan tree within the Craigweil House, Aldwick Conservation area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at Ashlyn, 19 Craigweil Manor.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/124/04/T	Lop and top three Evergreen Oak trees in rear garden.	ApproveConditionally 25-08-04
AW/23/96/T	Lop & top three Evergreen Oak trees	ApproveConditionally 15-03-96
AW/68/18/T	Removal of 3No. Holm Oak trees	Approve 07-06-18
AW/204/14/T	Removed 2 diseased limbs of 1 holm oak	
AW/138/14/T	Crown reduction and reshaping of 3 No. Holm Oaks by 1m-2m and 1 No. Silver Birch by 1m.	Approve 07-07-14
AW/71/10/T	Lower crown of 3 No. Evergreen Oak trees.	ApproveConditionally 01-06-10

Relevant planning history noted.

REPRESENTATIONS

No objection from Parish Council.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

This property lies within the Craigweil House Conservation Area and included in Area Tree Preservation Order (TPO) - Bognor No.2. I have determined the following:

The tree subject of this application would not have been established when the Order was made (1958). As such, I regard the proposal as a Sect. 211 Notice (of intent to undertake work to trees in Conservation Area).

Outwardly and from distance (restricted view) this tree appears to be in a fair physiological state. Close observation of the stem base suggests a significant decay event (Ganoderma sp.) which will eventually (if not already) demand its removal.

Conclusion:

I am satisfied that the work proposed is justified and will not result in character of the surrounding area being unduly diminished.

Recommendation:

I raise No Objection to the work that has been applied for and see no reason to make a Tree Preservation Order in this instance.

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 comments from the officer it is recommended there be no objection to the works proposed.

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.