

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

REF NO: AW/289/17/TC

LOCATION: 87 The Fairway
Aldwick

PROPOSAL: Crown reduction of 1No. Silver Birch by 2m & reduction of 1m to extended branches. Crown reduction of 1No. Beech by 1m & removal of 2No. Conifer trees within the Aldwick Bay Aldwick Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees outlined in this application are situated at The Fairway in a Conservation Area
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/149/15/TC	Fell 4No. Leylandii, 1No. Glauca, 1No. Griselinia & prune 1.2m from left side of 1No. Yew tree & reduce height by 0.5 - 1m within the Aldwick Bay Conservation Area	No Objection 19-08-2015
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Noted

REPRESENTATIONS

Representations received:

Parish Council -no response
CAAC -no comment
No representation from occupiers

Comments on Representations received:

Noted

CONSULTATIONS

Arboriculturist
Conservation Officer

Consultations responses received:

Tree Officer comments

Various species as listed in notification

Small trees that collectively contribute and enhance the Conservation Area but are positioned in the rear garden where they cannot be viewed clearly or enjoyed by the general public.

Some could be worthy of a TPO in time as they grow and develop into specimens but there is

no threat to the trees at the present time from the pruning sought so no reason to apply one.
The conifers are low value trees of poor quality and would not merit a TPO.

Conclusions

The works proposed will address the issue of controlling growth habit and keeping the trees in balance with the size of the garden.

These are standard and minor pruning works that do not threaten the amenity value of the plant collection in this garden.

The conifers are of poor quality and will not be missed.

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

Conservation Area

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 comments from the tree officer, it is recommended that consent be approved subject to the following informatives.

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.