

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

REF NO: AW/297/20/TC

LOCATION: 5 Kingsway
Bognor Regis
PO21 4DQ

PROPOSAL: Various works to various trees (T1-T38, excluding T15)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at 5 Kingsway.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

AW/310/20/T	Reduction of 1 No. Oak tree (T15) to 16m in height and 10m North South spread.	
AW/252/11/T	Various tree surgery	ApproveConditionally 08-12-11
AW/113/97/T	Remove one lower branch and carry out good husbandry to other branches of one oak tree overhanging 5 Seacourt Close	ApproveConditionally 21-08-97

Relevant planning history noted.

REPRESENTATIONS

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

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

I visited this location on 15th January 2021, to determine the aforementioned Town & Country Planning Act 1990 (as amended) s211 Notice.

The vast majority of substantial work proposed is acceptable - mostly justified and should not incur undue detriment to the character of the area.

I object to the proposed pruning of T11 - Field maple.

T11 Field maple / *Acer campestre* Height: 10-15m Radial spread: 5-10m Age class: Mature

This is a mature tree, located within the expansive rear garden of the property and at a distance harmonious with built structures. Although my view of the ground and stem base inspection was restricted, it appears to be in a fine physiological state (and assumed to be so in the absence of any information/evidence provided to the contrary)

with an attractive, unmodified upper crown profile. It is visible from neighbouring properties and both a fine individual specimen and key constituent of long-established boundary tree line.

The applicant is seeking to reduce crown height and lateral spread of the tree by one metre.

Conclusions:

The vast majority of work proposed is acceptable and if undertaken to a high standard and at the right time, will not incur undue detriment to the character of the area.

T11 Field maple - This tree requires careful management that respects its age and vulnerability to environmental changes and disease progression.

The work proposed has not been justified on arboricultural grounds and will reduce the tree's landscape impact and may harm its ongoing health and vitality.

Recommendation:

T11 Field maple - I recommend the making of a Tree Preservation Order to preserve its place in the landscape and better control its 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 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