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

REF NO: **AW/348/15/TC**

LOCATION: 41 The Drive
Aldwick

PROPOSAL: Reduce crowns of 2 No. Oak trees overall by 2-2.5m within the Craigweil House Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TOPOGRAPHY	Predominantly flat
TREES	Two trees in front garden
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Detached dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

AW/237/00/T	Fell 1 no. Sycamore tree. Reduce crown of 2 Oak trees by 25%.	ApproveConditionally 22-12-2000
AW/12/03/T	Raise lower crown of 1 Oak tree and reduce spread over house.	ApproveConditionally 28-03-2003
AW/42/07/T	Raise crowns by 1 metre and trim back to previous pruning points, equivalent of 20% of overall crown to 2No Oak trees.	ApproveConditionally 20-03-2007

None

REPRESENTATIONS

Representations received:
n/a
Comments on Representations received:
CAAC

No objection

CONSULTATIONS

Arboriculturist
Conservation Officer

Consultations responses received:
Arboricultural officer:

No objection
Comments on Consultation responses:
Comments noted

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY 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

The proposed works to the trees directly emulate previous works. The tree officer does not object to the works and therefore there is no requirement to impose a TPO.

HUMAN RIGHTS ACT

FOR APPROVAL
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 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 (negative, Neutral or positive) 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).

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.