

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

REF NO: AW/361/21/TC

LOCATION: Craig Rock  
21 Craigweil Manor  
Bognor Regis  
PO21 4DJ

PROPOSAL: Fell 1 No. Cupressus macrocarp (T1) within the Craigweil House, Aldwick Conservation area.

|                              |
|------------------------------|
| <b>SITE AND SURROUNDINGS</b> |
|------------------------------|

|                            |                                                                                      |
|----------------------------|--------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION | As above                                                                             |
| TREES                      | The tree is situated near the entrance to the driveway at the front of the property. |
| SITE CHARACTERISTICS       | Dwelling.                                                                            |
| CHARACTER OF LOCALITY      | Residential.                                                                         |

|                              |
|------------------------------|
| <b>RELEVANT SITE HISTORY</b> |
|------------------------------|

|              |                                                                                                                                                                                           |                          |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| AW/353/18/TC | Fell 1 No. Holm Oak tree within the Craigweil House, Aldwick Conservation area.                                                                                                           | No Objection<br>21-01-19 |
| AW/166/18/TC | Reduce crown by 2m to 1No. Macrocarpa and reduce crown height by 2m to 1No. Holm Oak. Reduce crown by 1.5m to 1No. Macrocarpa within Craigweil Conservation Area.                         | No Objection<br>18-07-18 |
| AW/27/15/TC  | Reduce crown by up to 3m to 1 No Cupressus Macrocarpa tree & reduce crown by up to 2.5m & remove deadwood to 1 No Cupressus Macrocarpa tree within the Craigweil House Conservation Area. | No Objection<br>11-03-15 |

Relevant planning history noted.

|                        |
|------------------------|
| <b>REPRESENTATIONS</b> |
|------------------------|

Aldwick Parish Council provided no response.

One objection received from nearby occupiers:

Objection from M and S Burns who state they would be very unhappy to see the tree felled as it is attractive and provides some screening between the flats and the bungalows opposite. They added that they did feel it needs to be pruned professionally and made safe on two counts: The wind damaged branches need to be cut back to the trunk and treated to avoid infection and; Some of the lower branches need to be removed so that large/high lorries do not break them half off, with the result of this being the branches falling into their front garden in the next high wind.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

Noted.

|                      |
|----------------------|
| <b>CONSULTATIONS</b> |
|----------------------|

**CONSULTATION RESPONSES RECEIVED:**

Tree Officer

This tree appears to be in a fine physiological state with a largely unmodified and until recently - a full and attractive crown profile. It is in a prominent position and has obvious landscape value.

The southern aspect of the crown has recently suffered extensive damage from a violent squall. Several main limbs have been left torn and/or truncated, with most of the damaged material removed from site. Minor branch damage in the upper crown persists and this may have occurred subsequently.

The crown interior is now exposed to prevailing wind and further damage inevitable. Cypress do not produce growth from dormant buds and so recovery of form is not possible.

Conclusion:

Although the tree is not obviously dangerous following recent gale damage and may still provide some visual amenity and interest; it is probably not viable for long-term retention as an attractive feature tree.

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

**COMMENTS ON CONSULTATION RESPONSES:**

Comments noted

|                       |
|-----------------------|
| <b>POLICY CONTEXT</b> |
|-----------------------|

Built up area boundary

Conservation Areas

TPO

Pagham Harbour Zone B

Article 4

2km Buffer for Site of Special Scientific Interest

**DEVELOPMENT PLAN POLICIES**

**PLANNING POLICY 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 comments from the tree officer, it is recommended there be no objection to the proposed works.

**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.

|                       |
|-----------------------|
| <b>RECOMMENDATION</b> |
|-----------------------|

**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 0345 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.