

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

REF NO: A/62/18/TC

LOCATION: Bennington House
High Street
Angmering
BN16 4AG

PROPOSAL: Fell 1No.Yew tree and replant with similar species within Angmering Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree is situated to rear of the garden
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

A/13/99/TC	Removal of a Cherry Tree within the Angmering Conservation Area	No Objection 15-04-99
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Relevant planning history noted

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Angmering Parish Council
Parish Council raise no objection
Conservation Area Advisory Committee provided no comment
No representation from nearby occupiers

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

This tree is discreetly located at the rear of the dwelling and growing tight against an old party boundary wall. It is not visible from the roadside and only one neighbouring property has a clear view of it.

Despite its age it is of compact form and small stature having historically undergone severe crown modification. It appears to be structurally sound and in a fair-good physiological state.

It is bound to have become an imposing presence being so closely associated with residential dwellings and associated built structures, of which the latter is potentially at risk of future damage if not already.

The applicant (with whom I met recently) has not yet undertaken any work, despite being able to do so now that the 6week notice period has expired. They recognise the value of such an aged tree and are considering alternative forms of management which might allow the tree to be retained in harmony with its surroundings, albeit at reduced dimensions.

Conclusions:

This tree has some value by virtue of its age and apparent good health and is valued by the applicant. That said, its location is unfortunate and becoming a nuisance.

It provides very little public amenity value and in my opinion does not qualify for the making of a Tree Preservation Order.

The work proposed (either removal or pruning) will not diminish the character of the area.

I have verbally informed the applicant that they may proceed with either work proposal, without further recourse to this authority.

Recommendations:

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

COMMENTS ON CONSULTATION RESPONSES:

Noted

POLICY CONTEXT

Conservation Area

DEVELOPMENT PLAN POLICES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	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 there be no objection to the works proposed.

HUMAN RIGHTS ACT

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