

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

REF NO: BR/97/19/TC

LOCATION: The Shrubby, Flat 1
41 Upper Bognor Road
Bognor Regis
PO21 1HJ

PROPOSAL: Fell 1 No. Lime tree and re pollard to previous pollard points by 5-7 metres 2 No. Lime trees within Bognor Road and Mead Lane Conservation area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks to fell 1No. Lime tree and re-pollard by 5-7m 2No. Lime trees to previous pollard points.
TREES	The trees are situated to the rear of the property.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

BR/99/99/L	Application for Listed Building Consent for conversion of premises to 5 no. flats.	ApproveConditionally 09-06-99
BR/33/99/	Change of use to 5 flats, formation of access driveway and provision of parking facilities.	ApproveConditionally 20-05-99
BR/251/98/L	Application for Listed Building Consent for demolition of single storey side extension	ApproveConditionally 04-02-99
BR/339/02/L	Application for Listed Building Consent for investigation of dry rot, removal and replacement of effected timbers.	PP Not Required 14-03-03
BR/56/00/	Proposed single storey detached dwelling & revised location of parking spaces for flats previously approved.	Withdrawn 25-04-00

Relevant planning history noted.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bognor Regis Town Council

Bognor Town Council provided no objection subject to the approval of the ADC Arboriculturist. It is recommended, if approved, that no work should be carried out if any birds or bats are nesting.

No representation from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

Arboriculturist

Conservation Officer

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

I visited this location on 14th May 2019, to determine the aforementioned Town & Country Planning Act 1990 (as amended) s211 Notice.

Note: Tree numbers below (eg.T1) are for the sole purpose of interpreting this application (no tree reference numbers were provided). They correspond with the tree numbers shown on the proposed Tree Preservation Order GIS plan.

T1 and T2 - The work proposed has not been justified on arboricultural grounds and would be of visual detriment to the character of the surrounding area.

T3 - The work proposed has not been justified on arboricultural grounds and would be of visual detriment to the character of the surrounding area.

These are large trees with high canopy and of public amenity value - which in the absence of any evidenced significant structural defect and/or disease can be satisfactorily managed without recourse to felling and/or extensive crown reduction work at this time.

I recommend the making of a Tree Preservation Order to preserve these tree's contribution to the surrounding area.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary

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 that an objection is raised and a TPO be made to protect the trees.

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