

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

REF NO: FP/190/18/TC

LOCATION: Land between 3 and 9 Old Rectory Gardens
Felpham

PROPOSAL: 1.5m Crown Reduction of 1No. Willow within Felpham conservation area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees are located between 3 and 9 Old Rectory Gardens.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

FP/282/06/TC	Surgery to various trees within the Felpham Conservation Area.	No Objection 09-02-07
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Noted

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Felpham Parish Council

Felpham Parish Council provided no objection, however advises the work be completed by a professional and experienced tree surgeon.

Conservation Area Advisory Committee provided no comment.

1 letter of objection from a nearby occupier

- There is no bay tree in the location described.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

I visited this location on July 3rd 2018, to determine the aforementioned Town & Country Planning Act 1990 (as amended) s211 Notice.

There are two trees proposed for pruning work within this application.

The willow tree is correctly identified and plotted reasonably accurately on the plan. I am able to make a determination on this element of the application although I would advise the applicant subsequently considers stating an intention to remove low growth above the adjacent road to a minimum height of 5metres and back to the kerbline, in a new application. On completion, that work would meet their obligation to ensure unobstructed access along the public highway for high-sided vehicles.

In any event, I would not object to the work currently proposed on this tree and see no reason to make a Tree Preservation Order.

The only bay tree (*Laurus nobilis*) in the immediate locality is a small specimen of no more than 5metres height, growing approximately 8metres due southeast of the aforementioned willow and adjacent a boundary fence. It grows from within the rear garden of 24 Limmer Lane. This is a considerable distance from the position marked on the applicant's plan. The mark would seem to correspond with the position of a mature silver birch tree.

The information provided in relation to the bay tree does not correspond with my observations on site, so I am unable to determine this element of the application.

Recommendation:

I suggest the applicant re-submits an application following advice from a Tree Specialist who will be able to correctly identify and accurately plot on a map all trees intended for work. This must be supported by an appropriate and comprehensive work specification, to enable us to make an informed decision.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Conservation Area
Tree Preservation Order.

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 and the agreed change of description with the applicant, it is recommended there be no objection to the works proposed to the Willow tree.

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