

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

REF NO: LU/186/18/TC

LOCATION: 15 A Western Road
Littlehampton
BN17 5NP

PROPOSAL: Fell 1No. Oak within Littlehampton Sea Front conservation area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The tree outlined in this application is located at the rear of the property between the garages.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential area

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

1 letter of Support:
The tree is in a dangerous condition with dead branches overhanging the road and footpath. While I agree that we should be keeping trees in our urban landscapes, particularly Oak tree, this desire should not override the need for public safety.

38 letters of objection:
I object to this tree being felled as it is the only tree remaining in the street and it is truly beautiful.

I wish to object to the felling of this English Oak tree. Whilst it is apparent it is in need of care, I believe all possible avenues must be explored before such a historic aspect of our neighbourhood is removed for good (and ADC should intervene and support the land owner in this respect).

In the present position this one provides a splendid backdrop against the sky. It should be possible to develop the site with the tree in place. It could do with a little attention, by removing the ivy. It would enhance the neighbourhood beautifully.

The visual amenity for local people and visitors it provides.

Wonderful habitat for insects, birds and other creatures.

Monumental part of history and should be left undisturbed and to flourish.

Tree is unique, a landmark, an important ecological asset.

We are very concerned at the loss of such a magnificent oak tree in a conservation area. We note the Tree Officer has refused a TPO and supported the application to fell. However we ask ADC to seek a

second opinion.

The tree is the last of a row of trees to the Beach Estate as is of historic interest to the town. It should therefore be granted a Tree Preservation Order.

We object to the last oak tree in Selborne Road being removed.

COMMENTS ON REPRESENTATIONS RECEIVED:

The trees high visual amenity is noted and acknowledged. There was a request that Arun District Council seek to protect the tree by serving a tree preservation order. The process involves consultation with Aruns Tree Officer and in this case he has not recommended that a Tree Preservation Order (TPO) be placed on this Oak tree for health reasons. The Local Planning Authority has accordingly, notwithstanding the trees high amenity value, decided not to make it the subject of a TPO.

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments:

Application ref: LU/186/18/TC

Location: 15A Western Road, Littlehampton

Works proposed: Fell 1No. Oak within Littlehampton Sea Front conservation area

I visited this location on August 7th 2018, to determine the aforementioned Town & Country Planning Act 1990 (as amended) s211 Notice.

This is a dominant tree in the street scene and its removal will have a significant impact on the visual aspect from several properties. That said, it has been under physiological stress for many years and ongoing decline has resulted in a high percentage of dead branches, particularly on its south aspect where exposed to coastal winds. There is plenty of live growth to sustain the tree although the leaves are under-sized and epicormic growth constitutes a relatively high percentage of the overall crown. Therefore it is unlikely to be resilient enough to both tolerate a 'crown reduction' and retain enough aesthetic value to justify such an operation. In any event it obstructs reasonable access to the adjacent garage unit and is not a long-term proposition. There is no scope for a replacement planting at this location.

The work proposed will result in the character of the surrounding area being diminished, but is reasonable and justifiable on arboricultural grounds.

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

DEVELOPMENT PLAN POLICES

PLANNING POLICY GUIDANCE:

NPPG	National Planning Practice 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 no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Following the comments from the Tree Officer, it is recommended there be no objection raised 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.

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.