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

REF NO: **LU/43/17/TC**

LOCATION: The Flinstone Centre
East Street
Littlehampton

PROPOSAL: 2m crown reduction to 1No. Sycamore, 6m crown lift & 3m crown reduction to 2No. Holm Oak, additional removal of decayed stem on South side within the East Street Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at The Flintstone Centre, Littlehampton.
SITE CHARACTERISTICS	Commercial.
CHARACTER OF LOCALITY	Residential with some local commercial.

RELEVANT SITE HISTORY

LU/344/03/TC	Lopping of overhanging branches to three Sycamore trees (Within the Littlehampton Conservation Area)	No Objection 10-10-2003
LU/425/03/TC	Felling of 3 no. Sycamore trees (Within the East Street Littlehampton Conservation Area)	Withdrawn 15-12-2003
LU/461/03/TC	Lop branches of 1 Sycamore tree and 2 Evergreen Oak trees within the Littlehampton East Street Conservation Area	No Objection 16-01-2004
LU/323/08/TC	Surgery to 1no. Lime Tree, 2 no. Evergreen oaks and 1 no. Sycamore (Within the East Street, Littlehampton Conservation Area)	No Objection 23-12-2008

Relevant planning history noted.

REPRESENTATIONS

Representations received:

No comments received from Parish Council.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

T2 Sycamore Height = 18m Avge spread = 7m Age = Mature

T3 Holm Oak Height = 18m Avge spread = 5m Age = Mature

T4 Holm Oak Height = 18m Avge spread = 7m Age = Mature

- This trees are squeezed in between the buildings and the road/path and given that they are potentially large forest type species there was always going to be conflict.
- This is a fast growing species of tree and they are right to be concerned for the potential to dominate the area and possibly cause safety issues over the road.
- These trees are clearly visible from a place of public access and are all in good overall condition contributing significantly to the amenity of the area.

Conclusions:

- The works requested are justified and will not damage their vigour and vitality or be detrimental to their visual amenity value.
- These trees are not under threat from these works so there is no need to apply a TPO here.

Recommendations:

- I raise NO OBJECTION to the works as described in this application for the reasons stated above.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Private Street
Conservation Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

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 the comments of the tree officer it is recommended that no objection be raised.

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

In assessing this proposal neutral 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).

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.