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

REF NO: R/57/18/TC

LOCATION: Yew Tree Cottage
Station Road
East Preston
BN16 3AR

PROPOSAL: Lateral reduction up to 1.5m, height reduction up to 1.5m, crown lift up to 2.5m to 1No. Yew Tree - Within the Station Road, East Preston Conservation Area

SITE AND SURROUNDINGS

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

RELEVANT SITE HISTORY

None

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Rustington Parish Council

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

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments
This application for tree work on Yew Tree(T1) is being dealt with under a Section 211. Notice.
It is the only Yew tree in close relation to 'Yew Tree Cottage' frontage and neighbouring property on this side of Station Road. It therefore follows, despite the inaccuracy of the applicants submitted plan, that we

are considering the same tree.
It enjoys a prominent roadside position elevated on a short steep bank and so highly visible to passing traffic. It is a semi-mature tree and while slow growing could eventually attain great stature and local prominence; although that is unlikely to be tolerable now that substantial site development has occurred in relatively close proximity. Ultimately this puts pressure on the tree to be contained by periodic pruning such as proposed- an inevitable consequence.

The works proposed is probably well intentioned and all things considered now appropriate for the trees new setting.

As the 6 week notice period has now expired, I recommend we inform the applicant that they can proceed on the usual terms.

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 , it is recommended that there be no objection to the works proposed.

HUMAN RIGHTS ACT

FOR APPROVAL
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.