

Report to **Planning Committee**  
Date **24 May 2017**  
By **Director of Planning**  
Local Authority **Chichester District Council**  
Application Number **SDNP/17/01918/TPO**  
Applicant **Mrs D Williams**  
Application **Crown raise by up to 5m (above ground level) and give 0.5m clearance around cables on 1 no. Conifer tree (Western Red Cedar – T4) subject to FU/73/01047/TPO.**  
Address **Clock Tower Cottage Adsdean Park Road Adsdean Funtington Chichester West Sussex PO18 9DN**

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**Recommendation:** That the application be approved for the reasons set out below and subject to the conditions set out in paragraph 10 of this report.

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## **Executive Summary**

### **Reason for Committee referral: The applicant is a member of staff**

The Conifer (Western Red Cedar) forms part of a line of individually protected trees that make an important contribution to the amenities of the area. The works are limited to raising the canopy of the tree and minor thinning of the canopy to give a 50cm clearance around cables that pass through it. The proposed tree works are considered to be reasonable and appropriate in the context of good arboricultural practice and furthermore would not be detrimental to the long-term health of the tree or to the character and amenities of the area.

## **1 Site Description**

1.1 The application site is situated within a modest, close-knit group of dwellings formed from buildings adjacent to Asdean House, approximately 1.3 kilometres north of Funtington.

1.2 The setting of the building group is rural in character, with woodland blocks to the north east and south west. Immediately to the south west of Clock Tower Cottage is a group of seven individual trees comprising four Oak (T1 to 3 and T7) and three conifer trees (T4 to T6). These trees are subject to tree preservation order; reference FU/73/01047/TPO.

1.3 The tree that is the subject of this application is a Western Red Cedar (T4). The tree is a significant feature with good form located in the centre of a circular turning area at the head of the access drive and approximately 10 metres from Clock Tower Cottage. As part of the larger group of protected trees, the tree makes a positive contribution to the setting of the building group as a whole.

## 2 Proposal

2.1 The proposal is to crown raise the Western Red Cedar by up to 5 metres above ground level and to provide 0.5 metre clearance around cables that pass through part of the canopy.

## 3 Relevant Planning History

None recorded

## 4 Consultations

### Parish Council Consultee

Funtington Parish Council does not object to this application.

## 5 Representations

None received

## 6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Chichester Local Plan First Review (1999)**. **The following additional plan(s) are also considered relevant:**

- SDNPA Partnership Management Plan 2014
- South Downs National Park Local Plan – Preferred Options September 2015

The relevant policies to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

## 7 **Planning Policy**

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

The following parts of the National Planning Policy Framework have been considered in the assessment of this application:

- NPPF – Achieving sustainable development
- NPPF – Conserving and enhancing the natural environment

The following paragraphs of the NPPF are considered to be relevant to the determination of this application:

7, 14, 17, 109, 115, 118.

Paragraph 089 (ID: 36-089-2010306) of the National Planning Practice Guidance is also relevant to the determination of this application. It states;

*In considering an application, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it. The authority must be clear about what work it will allow and any associated conditions.*

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant.

The following policies of the **Chichester Local Plan First Review (1999)** are relevant to this application:

- BE14 – Wildlife Habitat, Trees, Hedges and Other Landscape Features

### Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following policies of the **SDNPA Partnership Management Plan 2014** are relevant to this application:

- General Policy 1

The following policies of the **South Downs National Park Local Plan – Preferred Options September 2015** are relevant to this application:

SD12 – Biodiversity and geodiversity

SD37 – Trees, woodland and hedgerows

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16<sup>th</sup> July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2<sup>nd</sup> September to 28<sup>th</sup> October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

## **8 Planning Assessment**

8.1 The main issues are considered to be the effect of the works on the tree itself and the contribution that it makes to the amenities of the area.

8.2 The Western Red Cedar is located in the centre of a relatively tight turning head at the end of the access drive. The lower branches encroach over this turning area, making it difficult for service vehicles to manoeuvre without potential damage to the tree itself or to the vehicles. In addition, minor works are required to thin around the route of BT cables that pass through part of the north east sector of the canopy.

8.3 The raising of the canopy and minor thinning works would have a minimal impact on the form of the tree itself and would ensure easier access for vehicles using the turning circle and prevent damage to existing cabling. The tree would remain a significant feature

and continue to make a positive contribution to the sylvan character of the area and setting of Clock Tower Cottage as part of the collective value of the protected tree group.

## **9 Conclusion**

9.1 It is considered that the proposed tree works to the Western Red Cedar are reasonable and justified in order to alleviate the concerns of the applicant and will also help to retain the tree in situ.

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be approved for the reasons and subject to the conditions set out below.

### **1. 2 years trees**

The works hereby permitted shall be completed within two years from the date of this consent

**Reason:** To ensure the work is completed within a reasonable time scale.

### **2. Works In Accordance with BS.3998 (2010)**

All works shall be carried out in accordance with BS.3998 (2010).

**Reason** – To ensure work of sufficiently high standard is carried out on protected trees and to ensure their health and amenity value is not compromised.

## **11. Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

## **12. Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

## **13. Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

## **14. Proactive Working**

14.1 In reaching this decision the local planning authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

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Appendices Appendix 1 – Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents CDCLPFR 1999 saved policies, NPPF, NPPG, BS3998 (2010):  
Tree work – recommendations

## Appendix 1

### Site Location Map



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**Appendix 2 - Plans Referred to in Consideration of this Application**

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Sketch plan attached to application form illustrating location of 1No. Conifer (Western Red Cedar)			22.03.2017	Approved

**Reasons:** For the avoidance of doubt and in the interests of proper planning.