

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

REF NO: FP/108/13/TC

LOCATION: Car parking Land at St Clares Mews
Felpham Road
Felpham

PROPOSAL: Fell 1 No Bay tree within the Felpham Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to fell 1 No Bay tree within the Felpham Conservation Area.
TOPOGRAPHY	The site is predominantly flat.
TREES	Aside from the Bay tree the subject of this application, there is a Silver Birch just to the north.
BOUNDARY TREATMENT	The Bay Tree sits adjacent to the rear boundaries of 1-6 St Marys Mews - a part brick wall/part timber fence to an approximate height of 1.8m.
SITE CHARACTERISTICS	The Bay Tree is located to the immediate rear of a parking space, adjacent to the above mentioned fence, a bin area and a single storey garage building.
CHARACTER OF LOCALITY	Within a mews development in the Felpham Conservation Area.

RELEVANT SITE HISTORY

FP/65/01/	Two single storey dwellings with garages and conversion of existing building to form two dwellings	ApproveConditionally 04-07-2001
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There are no other previous planning applications to trees within the site area.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council: Object because it does not appear necessary from their Tree Wardens's report to fell the tree. Tree Warden reports that: "this mature tree has been badly knocked about, partly by being badly pruned in the past. It has also been badly damaged by cars knocking it about, causing the lifting of some bark on the main trunk. I feel that notwithstanding the damage, the tree has still a reasonable shape, and all it really needs a good prune. Work to be carried out with great care by a qualified Tree Surgeon.

Conservation Area Advisory Committee: no comment.

Comments on Representations received:

The objection by the Parish Council is noted, however, the Council Arboriculturist has no objection to the application and neither are there any objections from the Conservation Area Advisory Committee.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist: "I do not regard the Bay as significant and would not object to its removal."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary; and,
Within the Felpham Conservation Area.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [AREA2](#) Conservation Areas

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, 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

This tree shows evidence of damage to its trunk, presumably from cars reversing beyond the rear

of the adjacent parking space. No objection is raised to its removal by the Council's Arborist or the CAAC. The Parish Council comments are noted, however given the tree's position adjacent to the parking space, it is considered likely that it will continue to suffer damage from reversing cars and that this will be to the future detriment of it. It is therefore considered better to fell the tree than maintain it.

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.