

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

REF NO: FP/122/17/TC

LOCATION: Manor Flats
100 Felpham Road
Felpham

PROPOSAL: Reduce canopy by 2m & remove deadwood to 1no. Blue Atlas Cedar - Within the Felpham Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	Stand-alone Blue Atlas Cedar.
SITE CHARACTERISTICS	Semi-detached two storey dwelling. The tree is in the front garden.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/158/87/T	Trimming and shaping of one Cedar Tree to prevent excessive obstruction	ApproveConditionally 10-08-1987
FP/69/91/T	Fell one cedar tree	Refused 29-07-1991
FP/29/97/T	Topping, lopping and removal of dead wood of 1 Cedar tree	ApproveConditionally 19-03-1997
FP/99/97/T	Fell one Cedar Atlantica tree	Refused 01-08-1997 <i>Appealed</i> Appeal: Dismissed 26 05 1998
FP/230/04/T	Reduce branches of 1No Cedar Atlantica by 1.5m	ApproveConditionally 15-11-2004
FP/43/16/T	Fell 1 No. Cedar Atlantica tree	Refused 13-04-2016
FP/184/16/T	Fell to ground level 1No. Blue Atlas Cedar	Refused 08-09-2016 <i>Appealed</i> Appeal: Dismissed

23 05 2017

Felling of tree refused consent in 1999 and 2016 and defended at appeal. Various works approved to the tree previously.

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Conservation Officer

Arboriculturist

Consultations responses received:

TREE OFFICER

This is slightly more pruning than I would have liked but nevertheless it is not excessive and will not spoil the tree or undermine its vigour and vitality.

Conclusions:

A TPO to control/prevent the works will not be recommended in this instance.

Recommendations:

I recommend APPROVAL for the pruning of this tree as has been described in the applicant's Section 211 notification.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Conservation Area.

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY 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

The works are not considered to harm the long term health of the tree or the visual amenity of the conservation area. The Council's Tree Officer has no objection to the application. Thus, no objection is recommended.

HUMAN RIGHTS ACT

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.