Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (

REF NO: **FP/149/11/T**

LOCATION: 1 The Crescent
Felpham

PROPOSAL: Fell 1 no. Hawthorn tree by south east boundary

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Hawthorn tree the subject of this application.
BOUNDARY TREATMENT	South side boundary facing The Crescent brick wall with fencing insert approximately 1.8m in height, rear has shrubs/hedging approximately 3m in height, north side boundary close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Detached two storey property with detached double garage and carport to rear. The property has brown brickwork on lower level, white render on upper level with white window frames.
CHARACTER OF LOCALITY	Residential road with predominantly detached properties of various styles and designs.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Felpham Parish Council

Our Tree Warden reports that the tree is in very bad health and it is being tangled up with a large conifer tree. These trees are both close to the southern and eastern boundaries. Recommend the felling of both these trees by a qualified Tree Surgeon.

Letter of Objection from the West Sussex Wildlife Protection Group
No felling due to nesting birds.

Comments on Representations received:

Parish Councils comments noted.

Objection comments noted
If approved, an informative will be added to any decision relating to the Wildlife and Countryside Act of 1981 in respect of nesting birds and bats.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Council's Arboriculturist
I have no objection to the removal of the Hawthorn tree. There are no trees within the property that are worthy of a Tree Preservation Order.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Tree Preservation Order 5/63
PDR Restriction on FP/58/10

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

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 198 of the Town and Country Planning Act 1990 states:
"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

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 rear garden of the property is overgrown and the applicant seeks to landscape the rear garden which will require the removal of a hedge, shrubs and trees. The application is to consider the removal of a Hawthorn tree that is subject of a Tree Preservation Order 5/63.

The Hawthorn tree as annotated on the submitted plan T62 is sited in the south east corner of the rear garden adjacent to the boundary fencing. It is a poor specimen in bad health and is being strangled by a large conifer tree. Due to its siting it is not considered to be of visual amenity value.

Due to its poor condition the Council's Arboriculturist has raised no objection to its removal and he has confirmed that there are no other trees within the site that are worthy of protection.

It is therefore recommended to approve the application subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality in accordance with policy GEN7 of the Arun District Local Plan.

2 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.

3 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 amendd) 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.