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

REF NO: **FP/226/13/TC**

LOCATION: St Mary The Virgin Church
Felpham Road
Felpham

PROPOSAL: Pollard back to main trunk and remove sucker growth from 5 No Lime trees within the Felpham Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Lime trees the subject of this notification but various trees within the site.
BOUNDARY TREATMENT	The site is enclosed by flint walls approximately 1.5m in height with a wooden lych gate to the front.
SITE CHARACTERISTICS	St Mary's Church has flint walls with a slate roof. The main entrance is off Felpham Road which has a wooden lych gate.
CHARACTER OF LOCALITY	Within the Village Centre. Retail to the west with residential comprising a variety of two storey terraced, semi-detached and detached dwellings.

RELEVANT SITE HISTORY

FP/10/06/TC	Trimming and pollarding of Lime trees within the Felpham Conservation Area	No Objection 17-02-2006
FP/94/06/TC	Application to fell 1 bay tree (Within the Felpham Conservation Area)	No Objection 26-05-2006

REPRESENTATIONS

Representations received:

Felpham Parish Council

There is no objection to this application. This is endorsed by the parish tree warden.

Comments on Representations received:

None

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist
Awaited

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Within the Conservation Area
Listed Building Grade II
Right of Way
Class C Road
Area of Special Control for Advertisements

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

The Lime trees are sited on the south side boundary within the churchyard adjacent to the flint wall. They are in close proximity to the neighbouring building No 75 Felpham Road and overhanging the rear of the building which is divided into flats.

The trees are considered to be of public visual amenity and the notification seeks to pollard back to main trunk to control the growth over adjacent property and remove sucker growth from ground level to promote regrowth on top of trunk. A previous application FP/10/06/TC was approved for the trimming and pollarding of these trees and the proposed sugery will take this back to the previous pollard points.

In the absence of any arboricultural objection it is not considered that the surgery would duly impact upon the visual amenity provided by the trees. It is therefore recommended that no objection be raised or Tree Preservation Order be made.

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 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.