TREE WORKS CONSENT REPORT

REF NO: **FP/23/10/T**

LOCATION: 12 Grafton Avenue
Felpham

PROPOSAL: Tree surgery to 2 no. Yew trees

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Yew trees the subject of this application.
BOUNDARY TREATMENT	Rear boundary has wall approximately 1.8m in height, side boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Chalet style property with integral garage and dormer to front elevation. Wooden shed in rear garden. The property has smooth rendered walls painted white, brown window frames with a red tiled roof.
CHARACTER OF LOCALITY	Residential comprising chalet style properties of similar style and design.

RELEVANT SITE HISTORY

FP/56/03/T	Light pruning and crown reduction by 20% to one Birch and two Yew trees.	Approve Cond 09-05-2003
BR/721/77/T	Fell 2 macracarpa trees	Approve Cond 01-02-1978

REPRESENTATIONS

Representations received:
Felpham Parish Council
Felpham Parish Council

The tree warden has inspected the two Yew trees and recommends the following. The tree on the right, lift crown above adjoining fence and wall; thin out some limbs back to trunk, top

the tree by 1/4. Yew tree on left, because of the very poor condition of the tree suggest removal of tree and stump, ground out.

1 Letter of support

The Yew trees seem to have been severly neglected by previous owners of 12 Grafton Avenue and this has resulted that the tree overhangs my property being in excess of 25ft in height. The branches shed yew berries and needles which have prevented any grass growing or plants, other than weeds in the southwest corner of my garden. Because of the yew berries my family also have to supervise their children when they are playing in the back garden.

Comments on Representations received:

Comments noted.

The Council's Arboriculturist has inspected the trees and has recommended that a light reduction of 15% overall would be acceptable.

CONSULTATIONS

Horticulturist

Consultations responses received:

Horticulturist

I have inspected the trees which are sited in the rear garden and subject of TPO 4/62. The application refers to various problems being caused by the trees, firstly in the shedding of the Yew berries (the red part of which are not poisonous) and the fact that the trees are overshadowing sheds, greenhouse and other fixtures ib adjacent properties. These reasons are not sufficient to prune these trees back to the edge of the property as suggested in the application and I would recommend that a light reduction of 15% overall would be acceptable.

Comments on Consultation responses:

Noted and agreed.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary

DEVELOPMENT PLAN POLICIES

South East Plan:		
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development

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 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 two Yew trees are sited in the rear garden, one in the north west corner and one in the south west corner and are covered by Tree Preservation Order 4/62. The trees are of a significant height and although they are not readily visible to the front of the site in Grafton Avenue are visible in the neighbouring gardens to the rear in Courtlands Way

The application seeks to prune the trees as they are overhanging the neighbouring gardens of No 9, 11 and 15 in Courtlands Way and No 12 and 14 Grafton Avenue. The Council's Arboriculturist has visited the site and considers that the trees are of significant value and has recommended that a light reduction of 15% overall would be acceptable.

It is therefore recommended that the application be approved, subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The work hereby approved shall be undertaken under the supervision of the Local Planning Authority who shall be notified in writing, not less than 7 days before the work commences.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

2 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.

3 The works hereby approved shall involve the overall reduction to a maximum of 15% to 2 no. Yew trees. All works shall be carried out in accordance with BS3998: 1989 Recommendations for Tree Works.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

4 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.

5 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.