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

REF NO: **FP/40/16/TC**

LOCATION: Manor Copse
The Grove
Felpham

PROPOSAL: Fell 11 No. Lleyandii trees within the Felpham Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TOPOGRAPHY	Predominantly flat.
TREES	The trees the subject of this application.
BOUNDARY TREATMENT	This is a ranch style fence and the subject trees also form the boundary treatment behind the fence.
SITE CHARACTERISTICS	Residential apartment development.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/12/96/T	Lopping of branches of 2 Chestnut trees and 1 Lime tree overhanging buildings. Lopping/topping dead and dangerous branches of 1 Ash tree. Lopping of 2 Oak and 2 Beech trees overhanging Limmer Lane. Lopping and topping of 2 London Plane trees.	ApproveConditionally 23-02-1996
PE/FP/44/98/TC	....	No Further Actn 26-06-1998
FP/130/12/TC	Crown reduction to 18 no. small Leylandii trees to be kept to a height of 1.5m (within the Felpham Conservation Area)	No Objection 06-08-2012
FP/99/12/T	Reduce 3 no. Sycamore trees & 15 no. Leylandii trees.	ApproveConditionally 06-08-2012
FP/155/13/T	Fell 2 No Horse Chestnut trees	Refused 28-10-2013 *Appealed* **Appeal: Allowed+Conditions 25 03 2014**

FP/164/13/T	Crown reduction to 1 No. Oak Tree by 5-6 metres.	Refused 14-11-2013
FP/103/15/T	Reduce crowns of 11 No. Conifer trees by 3.5m & 1.5m laterally.	No Objection 02-07-2015
FP/11/16/T	Various surgery to 4 No. Maples, 2 No. Sycamores & 1 No. Oak	ApproveConditionally 09-03-2016
BR/1020/72/T	Lopping 2 trees	ApproveConditionally 30-12-1972

None.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Felpham Parish Council raises no objection subject to the comments of the Councils Tree Officer.

No representations have been received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist
Conservation Officer

Consultations responses received:

The Conservation Area Advisory Committee raises no objection and refers to the Tree Officer.

The Tree Officer has not commented within the consultation period. In this instance these comments are not entirely necessary.

Comments on Consultation responses:

Noted and see conclusions.

POLICY CONTEXT

Within Built Up Area.
Conservation Area
Tree Preservation Order
Adjoins Listed Building

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice 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

These trees are prominent in the street scene as they are relatively large and located slightly behind the boundary with the highway. Their location and size are such that they are visible, although their value is more as screening than a visual amenity.

Their removal will impact on the visual appearance of the area. However, their removal will also allow other TPO'd trees more space to flourish. In addition removal will improve the residential amenity of the apartments.

The trees have amenity value in the sense that they do provide a form of privacy screen, but do not make a significant contribution to the character of the Conservation Area or the area generally. Removal of the trees will not result in harm to the Conservation area or to visual amenity such that an objection could be justified. The species of tree is a common one and is often used for screening and of no particular merit in terms of rarity, etc.

It is therefore recommended that no objection be raised.

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.