

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

REF NO: **FP/69/12/T**

LOCATION: 15 Downview Road
 Felpham

PROPOSAL: Fell 1no. Irish Yew Tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree the subject of this application and various mature and semi-mature trees within the vicinity of the application site.
BOUNDARY TREATMENT	Low wall to front boundary, approximately 500mm high.
SITE CHARACTERISTICS	Detached two storey dwelling faced in white render with a tiled roof.
CHARACTER OF LOCALITY	Main road comprising detached two storey dwellings of different styles and design.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection. Tree warden comments: approve of the request because of the state of the tree. The tree should be removed in the Autumn after the nesting season. The work should be carried out by a qualified Tree Surgeon.

West Sussex Wildlife Protection: No felling due to nesting birds.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Arboriculture: No objection. The Yew Tree is close to the property and has the potential to cause/is subsequently causing damage to the property. The Yew is also in harmonious in size to the building and the proposal to have it removed is acceptable.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

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 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 tree is a multi-stem Irish Yew Tree located in the front garden of the application property. It is sited within 1 metre of the side boundary adjoining No. 11, close to the front wall of the property, and is protected by Tree Preservation Order BR/5/63.

The Tree is visible from the street frontage and sits just below the ridgeheight of the dwelling. Although visible within the streetscene, it is not considered to make a significant contribution to public amenity.

The applicant requests to fell the tree to ground level, as it creating upheaval to the adjacent property's drains and paths. The Council's Tree Officer has inspected the site and comments that the tree is close to the property and has potential to cause damage to the property. It is also considered to be a disproportionate size in relation to the host property.

The proposal to fell the Yew is therefore acceptable, subject to the conditions set out below.

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 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.