FP/108/07/T

TREE WORKS TO TPO TREES REPORT

DESCRIPTION/ ADDRESS	-	Fell and remove roots of 2 No. Holm Oak trees Southlawn 11 Admiralty Road Felpham

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Felling and removal of roots of 2 x Holm Oak trees
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	N/A
TREES	Subjects of the application, located to front boundary of site, are of significant visual amenity value in street scene
BOUNDARY TREATMENT	Wall
SITE CHARACTERISTICS	Grounds of detached building
CHARACTER OF LOCALITY	Predominately residential

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
FP/43/99/T	Surgery to 4 Holm Oak trees and fell 1 Holm Oak tree	Approved Conditionally 1-05-1999
FP/145/05/T	Reduction by one third of 4no. Holm Oak trees	Approved Conditionally 22-08-2005

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
Felpham Parish Council	Objection. These trees are magnificent, very old and well established. It is noted that they benefit from a TPO BR/5/63. It would be tragic to allow these great trees to be removed without a very, very good reason. A site visit is strongly recommended. The wall in question would need removing if the trees were felled, therefore it should be possible to restructure the wall to accommodate the trees.
West Sussex Wildlife Protection	No felling unless dead or dangerous also possible nesting birds
One letter of objection	• Disappointed to see decision to fell Oaks approved. Look in fine health and to cut them down would be tragic • Is application justified? If roots causing problems surely be trimmed? Have all avenues exploited to find alternative

FP/108/07/T

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	solutions?

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Council's Arboriculturist	Visited site in company with agent on 03-06-2007. Trees appeared to be from a distance in a very healthy state, however on closer inspection they are not as good as perceived from a distance. There is evidence of root rot at the base of the trees and some stress as the current leaf production is not as in previous years. There were no fungal growths at the base of the tress often noted with specimens of this area. There are 3 trees behind the fence/wall (one was removed recently) and all three are hard up against the front wall of the garden and the steady expansion of tree at the base of the trees will in time push the wall over onto the road. The wall was recently rebuilt and that is showing early signs of cracking in the area adjacent to the tree trunks. Recommend that there is no horticultural reason to fell the trees. However their presence in such a close proximity to a wall is bound to be the cause of a future hazard and for this reason they should be removed. The stump should be removed. Suggested replacement trees should be Hornbeam (Carpinus betulus)

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Tree Preservation Order

DEVELOPMENT PLAN POLICIES

West Sussex Structure Plan : DEV1
Arun District Local Plan : GEN7

PLANNING POLICY GUIDANCE

PPS1: Delivering sustainable development
Circular 36/78
DETR TPO's: A Guide to the Law & Good Practise

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPO's, are not specific to trees.

COMMENT ON CONSULTATION RESPONSES

Noted and agreed. In the event of the application being recommended for approval, a

FP/108/07/T

COMMENT ON CONSULTATION RESPONSES

condition will be attached to the decision notice ensuring the applicant shall during the next planting season following the felling of the tree, the subject of this application, plant a replacement tree of a species and maturity and in a position approved by the Local Planning Authority and under its supervision and in the event that any such tree dies within five years following such planting shall replace it by a similar tree in similar position during the next planting season.

COMMENT ON REPRESENTATIONS RECEIVED

Noted. No decision has been taken on the application; this report is the officer's recommendation. It is agreed the trees are of significant public visual amenity value in the street scene, and their loss is regrettable. Whilst there is no horticultural reason to fell the trees, their presence in such close proximity to the wall is certain (in the opinion of the arboriculturist) to be the cause of a future hazard, and it is for this reason the trees should be removed. Therefore there is no reason to find alternative solutions, and it is recommended that the application should be approved, subject to the conditions set out overleaf.

ASSESSMENT OF PROPOSAL

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 Holm Oaks are positioned to the front boundary, adjacent to the highway and are highly visible in the street scene. As such the trees are of significant public visual amenity value, and their loss is regrettable. The Council's Arboriculturist has confirmed the trees are hard up against a recently rebuilt front garden wall which, the arboriculturist has confirmed, is showing early signs of cracking, and the steady expansion of the base of the trees will, in time, destabilise this wall.

Therefore whilst there is no horticultural reason to fell the tees, the presence of the trees in such close proximity to the wall is certain (in the opinion of the arboriculturist) to be the cause of a future hazard, and it is for this reason the trees should be removed. Therefore it is recommended that the application should be approved, subject to the conditions set out overleaf.

FELPHAM FP/108/07/T

Fell and remove roots of 2 No. Holm Oak trees

Southlawn
11 Admiralty Road
Felpham

RECOMMENDATION

Approve Conditions

1 The applicant shall during the next planting season following the felling of the tree, the subject of this application, plant a replacement tree of a species and maturity and in a position approved by the Local Planning Authority and under its supervision and in the event that any such tree dies within five years following such planting shall replace it by a similar tree in similar position during the next planting season.

Reason: To retain trees in the interests of the environment of the locality in accordance with policies DEV1 of the West Sussex Structure Plan and 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 policies DEV1 of the West Sussex Structure Plan and GEN7 of the Arun District Local Plan.

3 INFORMATIVE: The applicant should note that under part 1 of the Wildlife & 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 etc. during this period could lead to an offence under the Act.