

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

REF NO: FP/138/11/T

LOCATION: Verge outside to front of
67 Outerwyke Road

PROPOSAL: Various surgery to 1 No Field Maple tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Filed Maple tree subject of the application.
BOUNDARY TREATMENT	Open front garden.
SITE CHARACTERISTICS	Semi detached 2 storey dwelling.
CHARACTER OF LOCALITY	Residential, mix of semi detached properties. Various mature trees within street scene.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Felpham Parish Council

Tree Warden reports that the tree is in need of a prune. Work to be carried out by qualified tree surgeon.

1 Letter of objection:

No surgery due to nesting birds.

Comments on Representations received:

Comments on Parish Response:

Comments noted.

Comment on letter of objection:

Informative to be attached advising applicants of the relevant countryside and wildlife acts.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Tree Officer:

The applicant requests the crown lift by 5m of the Field Maple on the property side which I find excessive. I would recommend the Field Maple be reduced from the property by 1-2m and a Crown Lift over the footpath by 2.5m.

Comments on Consultation responses:

Comments are noted and the application has been amended to remove the proposed 5m crown lift. This has also been agreed to be acceptable by the applicant.

POLICY CONTEXT

Designation applicable to site:

Built-up area boundary

Tree Preservation Order TPO/5/63 (Group 18)

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

TREES

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

TREES

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 application seeks permission for works to 1No. Field Maple tree which is sited on the grass verge to the front of 67 Outerwyke Road.

The tree is prominent feature within the street scene with previous surgery noted, this appears to have unbalanced the crown of the tree.

The proposed works include the pruning back of the boundary overhang to the northern aspect of the tree and a crown lift to provide a 2.5m overhead clearance over the public footpath. The works are proposed to alleviate property encroachment and encourage a balanced crown profile.

The proposed works are not considered to be detrimental from an amenity point, however the impact upon its health must be considered. The Councils Arborist has therefore been consulted, who has agreed a revision to the proposed works with the applicant which required the removal of the proposed 5m crown lift to the property. In the absence of these works the Arborist has accepted that the works would be acceptable.

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

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works hereby approved shall involve the 1-2m reduction of the tree to the property side and the crown lift over the public footpath by 2.5m.

All works shall be carried out in accordance with BS3998: 1989 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

- 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.

- 3 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.

- 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 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.