

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

REF NO: FP/199/12/T

LOCATION: Land at Ivy Cottage Nursery
42 Flansham Lane
Felpham

PROPOSAL: Fell 1 No Willow tree and reduce canopy by 2 metres to 1 No Oak tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Flint wall adjacent to 38-40 Flansham Lane, fencing and mature hedging to the side boundaries, rear has chain link fencing between the site and school.
SITE CHARACTERISTICS	The site is currently under construction for the development of 29 dwellings comprising 2 and 3 bedroom houses with access road and play area.
CHARACTER OF LOCALITY	Main road with predominantly residential comprising detached and semi-detached properties, primary school to rear of site.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection.

1 Letter of Objection

The School and Governors are concerned that the removal of the Willow and surgery to the Oak tree are sited to our boundary with the new housing estate. The trees are protected by a TPO and they screen the school playgrounds and field from the housing which is far closer to the school boundary than expected, removal will reduce the levels of natural shade for our children in the summer months, we also expected the building company to erect screened fencing on their side of the site, this has not happened, removal or reduction of trees would

leave the school site even more exposed and may cause safeguarding issues, this problem should have been addressed within the original application and not once the site has been almost completed.

Comments on Representations received:

Objection comments noted

The application is to consider the removal and surgery to the trees not to the development as a whole. The Council's Arboriculturist and Engineers have previously visited the site and the removal of the Willow tree is necessary to realign the ditch.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist

The applicant requests the felling of the Willow and reduction by 2m of the English Oak. This work was discussed on site with the foreman and was determined by their Arboriculture Consultant where I find the proposed work acceptable. The Planning Condition should include the need to work to BS3998.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Class A Road

Tree Preservation Order 4/62

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 site is currently under construction and the Willow and Oak tree the subject of this application are sited to the rear of the site in the open space area.

The application seeks to fell the Willow tree (T21) and reduce canopy of the Oak tree (T24). Both trees are visible to the rear of the site from neighbouring properties and school grounds but are not considered to be of significant public visual amenity. A previous site meeting and discussions with the Council's Engineers and Arboriculturist have agreed that due to the realignment of the ditch adjacent to the Willow tree it is necessary to remove this tree to restore the original ditch. The main canopy line of the Oak tree is to be reduced by 2m to natural target pruning points.

The Council's Arboriculturist has raised no objection to the felling and surgery as previously discussed on site and as per the Arboricultural Report submitted with the application.

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

- 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.

- 3 The works hereby approved shall involve:

Felling of 1 no. Willow tree (T21).

Oak tree (T24) Tip reduction of the 20 branches that grow outside of the main canopy line by 2m to natural target pruning points. Maximum wound diameter to be 75mm.

All works shall be carried out in accordance with BS3998:2010 Recommendations for Tree Work.

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.