

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** FP/200/11/T**LOCATION:** Eaton Lodge
2 Crossbush Road
Felpham**PROPOSAL:** Crown lift 1 no. Evergreen Oak tree to 2.5m, prune back to height of 5m 1 no. Lime tree & reduce crown of 1 no. English Oak tree to provide gap of 1-2m away from property**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 1875 sq metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The trees subject of this application.
BOUNDARY TREATMENT	Red brick wall and iron railings to front (west boundary) approximately 2 metres high. Mature trees and hedging enclosing south side boundary.
SITE CHARACTERISTICS	Detached two storey dwelling with detached double garage at rear and mature gardens.
CHARACTER OF LOCALITY	Sited within private road within a residential area. Various mature trees noted within streetscene.

RELEVANT SITE HISTORY

FP/290/88	Outline Application for one detached house and garage.	ApproveConditionally 21-11-1988
FP/115/91	Renewal of unimplemented planning permission FP/290/88 for outline application for one detached house and garage.	ApproveConditionally 02-12-1991
FP/137/95	Renewal of unimplemented outline planning permission FP/115/91 for one detached house and garage	ApproveConditionally 10-01-1996
FP/36/99/	Renewal of unimplemented outline permission FP/137/95 for one detached house and garage	ApproveConditionally 27-04-1999

FP/71/99/	Two storey extension.	ApproveConditionally 14-07-1999
FP/178/99/	Two storey extension	ApproveConditionally 07-01-2000
FP/139/11/T	Crown thin by 20% - 25% and crown reduction by up to 3 metres to 2 No Evergreen Oak trees and 1 No Oak tree	Refused 29-09-2011
BR/183/56	Alterations and additions	ApproveConditionally 23-01-1957
BR/80/67	Outline one dwelling	ApproveConditionally 31-03-1967
BR/677/68/T	Fell 1 poplar & 2 Macrocarpas remove 3 Oak stumps Prune Cherry Oak Lime Birch & Chestnut	Approve 03-12-1968
BR/114/70	Alterations to form sun rooms	Approve 06-04-1970
BR/224/71	Details - servants wing and new main entrance	Refused 06-08-1971
BR/503/83	O/L for one detached dwelling with garage	ApproveConditionally 03-08-1983

REPRESENTATIONS**Representations received:**

Felpham Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Arboriculturist: the application for the proposed trees works is acceptable.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built-up area boundary

Tree Preservation Order TPO/3/62

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 application is a re-submission of application FP/139/11/T, which refused consent for a crown thin by 20-25% and crown reduction by up to 3 metres to 2No. Evergreen Oak Trees and 1No Oak Tree. The level of surgery proposed was considered to be detrimental to the long term health of the trees.

The submitted application seeks consent for a crown lift to 1No. Evergreen Oak to 2.5 metres, prune back 1No. Lime Tree to a height of 5 metres and reduce the crown of 1No. English Oak Tree to provide a gap of 1-2 metres from the application property.

The Evergreen Oak is sited at the front of the property, overhanging the front boundary and drive, the Lime is positioned on the corner of Crossbush Road and Limmer Lane, and the English Oak Tree is located to the south of the property, fronting Limmer Lane. The trees are of significant height and spread, readily visible in the streetscene and have significant public amenity value.

The Council's Arboriculturist has inspected the trees and considers the proposed works acceptable.

The application is therefore recommended for approval, subject to the conditions below.

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 in accordance with policy 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 policy GEN7 of the Arun District Local Plan.

- 3 The works hereby approved shall involve the crown lift to 1No. Evergreen Oak Tree to 2.5 metres, prune back 1No. Lime Tree to a height of 5 metres and reduce the crown of 1No. English Oak Tree to provide a gap of 1-2 metres. All works shall be carried out in accordance with BS3998:1989 Recommendations for Tree Works.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan.

- 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.