

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** FP/218/11/T**LOCATION:** Land on the North West corner of
The Green opposite Cherry Trees
The Ridgeway Felpham**PROPOSAL:** Crown reduce 1 No Evergreen Holm Oak by 1 metre and remove remaining peripheral growth**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks consent for a crown reduction of 1 metre to 1No Evergreen Holm Oak and remove remaining peripheral growth.
SITE AREA	Approximately 0.217 ha
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree the subject of this application and various mature/semi-mature trees located on The Green.
BOUNDARY TREATMENT	None
SITE CHARACTERISTICS	Village green comprising a rectangular open space laid to grass.
CHARACTER OF LOCALITY	Predominantly residential comprising detached two storey dwellings surrounding a village green.

RELEVANT SITE HISTORY

FP/279/88/T	Lopping and pruning of one White Poplar tree and lopping and removal of dead wood from 3 Scots Pine trees	ApproveConditionally 14-11-1988
FP/166/11/T	Fell 1No. White Poplar, Raise Crown to 1No. Evergreen Oak and trim to shape.	Refused 10-11-2011
BR/4/64/B	Private open space	No Decision Given

REPRESENTATIONS**Representations received:**

Felpham Parish Council
No objection.

West Sussex Wildlife Protection: No crown reduction unless dead or dangerous.

Comments on Representations received:

Noted.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Arboriculturalist: No objection. The applicant requests the removal of 1m from the roadside and the peripheral crown growth within the green to be similarly pruned to provide a natural lowing crown outline. The above works is acceptable where the condition for partial crown reduction has been provided below.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
No public sewer
Tree Preservation Order

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/166/11/T, which refused consent for the felling of 1No. White poplar and a crown raise to 1No. Evergreen Oak. The current application is amended to take on board the comments and advice of the Council's Arboriculturist.

The Evergreen Oak is prominently sited on the northwest corner of The Green. Owing to its position and extensive low crown growth, which encroaches onto the highway, the tree is visually prominent within the public realm.

The Council's Arborist raises no objection to the proposed works for a partial crown reduction, subject to the condition set out below. It is therefore recommended that consent is granted.

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 a crown reduction to be reduced in proportion to its original shape without creating an unbalanced and symmetric shape. Crown reduction should not be carried out in addition to other crown pruning operations. Pruning wounds should not exceed 100mm in diameter. The maximum length of branches to be removed must not exceed 1 metre where the sides are to be tapered to form a natural flowing shape. There should be a strong framework of healthy small diameter branches and twigs after the pruning operation (leaf-bearing structure) capable of producing dense leaf cover.

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.