

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** FP/225/13/T**LOCATION:** Verge outside of 12 & 22
Normans Drive
Felpham**PROPOSAL:** Fell 1 No Ash tree (verge at 12) and sectionally fell 1 No Ash tree (verge at 22)**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Open to the highway.
SITE CHARACTERISTICS	The Ash trees the subject of this application are sited on the grass verges adjacent to the highway on Normans Drive.
CHARACTER OF LOCALITY	Normans Drive is a residential cul-de-sac comprising bungalows many of which have been extended.

RELEVANT SITE HISTORY

FP/122/95/T	Lop and top 6 No. Ash trees	ApproveConditionally 10-01-1996
FP/97/00/T	Light reduction, reshaping and crown lifting of various trees	ApproveConditionally 14-07-2000
FP/212/03/T	Crown reduction of 6 no. Ash trees.	ApproveConditionally 14-11-2003
FP/131/09/T	Crown reduction to previous pruning cuts resulting from work previously carried out under reference FP/212/03/T to 6 No. Ash trees	ApproveConditionally 16-10-2009

REPRESENTATIONS

Representations received:

Felpham Parish Council

No objection

There is no objection to this application which is endorsed by the tree warden.

Comments on Representations received:

None

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist

Awaited

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Public Sewer

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX2

DETR TPO's A guide to Law and Good Practice

XXX3

Good Planning Practice Guide on Tourism

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 seeks consent for the felling of two Ash trees that are located on open grass verges adjacent to the highway. They are prominent in the street scene being of public visual amenity.

The Ash tree outside No 12 is dead and this is to be felled and the Ash tree outside of No 22 is diseased at the base and this is to be felled. Surgery to the trees has been carried out on a regular basis. The application has been submitted by a tree surgeon and from a site inspection the trees are in a poor state and the proposed felling is considered to be acceptable.

In the absence of any arboricultural objection it is recommended that the application be approved, subject to conditions that replacement trees be planted.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 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.

- 2 The applicant shall during the next planting season following the felling of the trees, the subject of this application, plant replacement trees of a species and maturity and in positions approved by the Local Planning Authority and in the event that any such trees die within five years following such planting replacement trees of a similar species and maturity shall be planted during the next planting season.

Reason: To retain trees in the interests of the environment of the locality.

- 3 **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.

- 4 **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.