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

REF NO: **FP/31/13/T**

LOCATION: 1-12 Northwyke Close
Felpham

PROPOSAL: Reduce crown height and lateral extension of 1no. Poplar tree by 5-6m

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application seeks consent to reduce the crown height and lateral extension of 1no. Poplar Tree by 5-6 metres.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY	N/A
TOPOGRAPHY	Predominantly flat
TREES	1no. Poplar Tree and various mature shrubs and semi-mature trees in vicinity of the application site.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	Residential cul-de-sac comprising a modern block of two storey flats and parking forecourt.
CHARACTER OF LOCALITY	Residential. Predominantly two storey detached dwellings and flats.

RELEVANT SITE HISTORY

FP/217/12/T	Remove 7-9 m to leave a 5m pollard to 1 No Poplar tree and reduce height by 3-6 metres to 4 Leyland Cypress trees	Refused 02-01-2013

REPRESENTATIONS

Representations received:

Felpham Parish Council

No Objection as Tree Warden reports: 'This tree is starting to grow too tall and to spread and I agree that it should be reduced as requested. Work to be carried out by a qualified Tree Surgeon'

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Arboriculture: No objection. I have inspected the photographs sent by the case officer of the Poplar Tree and find the tree work reasonable. The protection afforded by the conifer will be lost and would expose the boughs of the misshapen Poplar to potential over-flexing and risk of fracture. The crown/limb reduction is therefore recommended to prevent potential limb failure as specified in the application.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within built-up area boundary
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 Poplar Tree is located to the rear of China Hinns Restaurant and no. 1 Flansham Lane at the end of a residential cul-de-sac (Northwyke Close). It is a mature tree that is visible along Northwyke Close and the surrounding area and possesses amenity value.

The proposed work is requested in order to create a more compact tree, reduce the risk of failure

and manage a potentially large tree in close proximity to buildings and structures.

The request for work follows a previous application that refused consent to remove 7-9 metres to the Poplar to leave a 5 metre pollard. The application was refused on the basis that the works would create excessively large wounds, prone to decay and fracture, jeopardising the health and amenity value of the tree (FP/217/12/T).

The current application therefore seeks a lesser reduction of 5-6 metres. The Council's Aborist finds the requested works reasonable and recommends the crown/limb reduction in order to prevent potential limb failure.

It is therefore recommended that consent is granted, subject to the conditions outlined below.

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 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.

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 amendd) 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.