

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

REF NO: FP/101/26/T

LOCATION: 8 Ceres Place
Felpham
PO22 7RG

PROPOSAL: Fell 1 No. Sycamore (T2).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree is located in the rear curtilage of 8 Ceres Place.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/142/20/T	Fell 1 No. Sycamore (T1)	Refused 05-10-20
FP/22/13/T	Fell 2 No. Sycamore trees	Refused 04-04-13 Appeal: Dismissed 08-11-13
FP/208/20/T	Removal of roots beneath patio area of 1 No. Sycamore tree (T1)	ApproveConditionally 04-01-21
FP/139/17/T	Remove lower branches by 1m & crown thin by 20% to 1 No Sycamore tree.	ApproveConditionally 17-08-17
FP/133/17/T	5m crown lift to 1 No. Sycamore.	Refused 17-08-17
FP/150/08/T	Prune limbs of 1no. Sycamore tree on north side to give a reduction of 3m	ApproveConditionally 23-09-08

FP/205/02/T	Pollard or crown one Sycamore tree and fell one Pine tree.	ApproveConditionally 22-11-02
FP/74/25/T	1 No. Holm Oak (T3) remove lower western branch to leave a height of 3.5m above ground.	ApproveConditionally 30-07-25
FP/9/01/T	General tidying of branches of 8 trees in rear garden and possible topping of one Scots Pine.	ApproveConditionally 16-03-01

Relevant planning history noted.

REPRESENTATIONS

Felpham Parish Council raise no objection.
No representations received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Council's Arboriculturist Comments:

Sycamore / Acer pseudoplatanus
Height: 15-20m
Radial spread: 0-5m
Age class: Mature

The applicant has employed CM Tree Care Ltd. as agent, submitting a comprehensive report on the tree's condition. I broadly concur with the findings. The extent of major deadwood across the crown and other symptoms of significant disease (i.e. prolific stem bleeding and discreet fungal fruit body of K. deusta), fully support the proposal. There is no requirement to secure a replacement and there is ample density of established trees nearby and locally, some with high growth potential. The removal of deadwood is an exception. Prior notice to or consent from the local planning authority is not required.

Conclusions:

The proposed work has been justified on arboricultural grounds.
There is no requirement for a replacement tree and I do not consider it necessary given the established population of trees nearby and locally.

Recommendation:

We grant consent for this application.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Tree Preservation Order (TPO reference Bognor No. 14).

DEVELOPMENT PLAN POLICIES**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, 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

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the Tree Officer, it is recommended consent be approved, subject to the following informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this

report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE

- 1 INFORMATIVE: As per section 17, paragraph 4 (a) and (b) of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, this consent is only valid for 2 years and may only be carried out once.
- 2 INFORMATIVE: The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981 (as amended), 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.
- 3 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 0345 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.