

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

REF NO: FP/133/17/T

LOCATION: 8 Ceres Place
Felpham

PROPOSAL: 5m crown lift to 1 No. Sycamore.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at 8 Ceres Place, Felpham.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/9/01/T	General tidying of branches of 8 trees in rear garden and possible topping of one Scots Pine.	ApproveConditionally 16-03-2001
FP/205/02/T	Pollard or crown one Sycamore tree and fell one Pine tree.	ApproveConditionally 22-11-2002
FP/218/02/T	Remove large low limb growing easterly of 1 Monterey Pine tree in rear garden of No. 6. Reduce & reshape canopy by one third of 1 Sycamore tree and fell 1 Black Pine tree in rear garden of No. 8.	Withdrawn 03-12-2002
FP/150/08/T	Prune limbs of 1no. Sycamore tree on north side to give a reduction of 3m	ApproveConditionally 23-09-2008
FP/22/13/T	Fell 2 No. Sycamore trees	Refused 04-04-2013 <i>Appealed</i> Appeal: Dismissed 08 11 2013
FP/139/17/T	Remove lower branches by 1m & crown thin by 20% to 1 No Sycamore tree.	ApproveConditionally 17-08-2017

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Felpham Parish Council

Parish Council - No objection.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

T2 - Sycamore Acer pseudoplatanus Height = 16m Avg spread = 4m Age = Early Mature

- This was No 15 on my list of inspections for this period reference FP/139/17/T where the applicants sought a further 1m crown lift above the current ground clearance that prevails on site - this received my approval.

Conclusions:

- This current application seeks a 5m ground clearance which would mean the removal of large diameter limbs and thus would exceed the recommendations of BS3998 and be potentially harmful to the tree and undermine its visual amenity value in the landscape.

Recommendations:

- I recommend REFUSAL of this application for the reasons stated above.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within Built Up Area

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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

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

Following the comments from the tree officer, it is recommended that consent be refused.

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 neutral 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).

RECOMMENDATION

REFUSE

- 1 The tree is a significant feature in the local landscape and appears to be in adequately sound and healthy condition. The tree surgery proposed in the application would exceed the recommendations of BS3998 and be potentially harmful to the tree and undermine its visual amenity value in the landscape.