

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** FP/182/17/T**LOCATION:** 81 Downview Road
Felpham**PROPOSAL:** Crown reduction to 6m above ground level to the height of previous pruning points and no lower to 3No. Sycamore trees**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located on the land at 81 Downview Road, Felpham.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/263/88/T	Prune back to previous cuts and remove any dead or decayed wood.	ApproveConditionally 21-11-1988
FP/116/91/T	Top and tidy 4 sycamore trees	ApproveConditionally 21-10-1991
FP/21/94/T	Top and tidy 3 Sycamore trees	ApproveConditionally 11-04-1994
FP/23/96/T	1) Top & tidy 3 Sycamore trees 2) Top & tidy 1 Sycamore tree	Refused 08-03-1996
FP/66/96/T	1) Fell 3 Sycamore trees 2) Fell 1 Sycamore tree	Refused 14-06-1996
FP/146/96/T	1. Top & tidy 3 Sycamore trees 2. Top & tidy 1 Sycamore tree	ApproveConditionally 06-11-1996
FP/151/99/T	Top and tidy 3 Sycamore trees.	ApproveConditionally 13-12-1999
FP/181/10/T	Crown reduction to 3 no. Sycamore Trees.	ApproveConditionally 21-10-2010
FP/50/17/T	Crown reduction of 3No. Sycamore	Withdrawn

		29-03-2017
FP/85/17/T	Fell 3No. Sycamore trees & replace with Evergreen trees.	Refused 25-05-2017
BR/674/84/T	Fell one beech tree	Refused 19-09-1984

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 -

T1; 2&3 - Sycamores *Acer pseudoplatanus* Height = 10m - Avge spread = 5m - Age = Early Mature

- Three trees which have been maintained on a heavy lopping cyclic pruning regime in the past.
- There are cavities in some but not all of the old pruning points and the crowns are comprised of regrowth from around the old pruning wounds.
- They have been topped out at 4m and 6m above ground level in the past.

Conclusions:

- These trees make a significant contribution in the landscape.
- I can see that crown reduction works would improve matters for the applicants as the trees dominate the front garden and am sympathetic to this.
- The stated reduction to 4m would leave them devoid of foliage and completely undermine their value in the landscape as TPO'd trees.

Recommendations:

- I recommend REFUSAL of this application on the grounds that these are trees of high amenity value in the landscape and the pruning works requested would exceed BS3998 recommendations and would totally undermine their amenity value.

ADVISORY:

I suggest that the applicant re-submits seeking the following:-

- Crown reduction to 6m above ground level to the height of previous pruning points and no lower.

Comments on Consultation responses:

Comments noted, the applicant was contacted with regard to the change of description and

accepted.

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 tree officers comments and the resultant change of description, it is recommended that consent be granted 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 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

APPROVE

- 1 **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.

- 2 **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.