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

REF NO: **FP/199/17/T**

LOCATION: 6 Ceres Place
Felpham

PROPOSAL: Fell 1 No. Sycamore tree.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located within the land at 6 Ceres Place, Felpham.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

FP/96/01/T	Remove deadwood to pines, reduce Sycamore and crown and thin by 25%.	ApproveConditionally 08-08-2001
FP/204/02/T	Removal of lower branches of one Scots Pine tree overhanging garden of 56 Sea Way, Middleton.	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	Withdrawn 03-12-2002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/140/17/T	Remove lower branch from 1 No. Monterey Pine tree	Refused 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 Comments

Monterey Pines x2
* to reduce the top 3m to 5m from these two trees would completely remove all live growth and this would kill the trees as this type of conifer cannot regenerate live growth from trunks and bare branches

Sycamore
* a self-sown tree of ragged form and low overall amenity value.

Conclusions
* the reduction of the pine trees is totally unacceptable
* the felling of the sycamore is acceptable

Recommendations
*I recommend approval for the removal of the sycamore
* I recommend refusal for the pruning on the pines

Comments on Consultation responses:

Comments noted, the description was amended to remove the pruning of the Pines from the application.

POLICY CONTEXT

Within Built Up Area
Tree Preservation Order

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

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

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 and the resultant change of description it is recommended that 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 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.