

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** FP/91/11/T**LOCATION:** 41 Downview Road
Felpham**PROPOSAL:** Remove dead, dying and dangerous branches to 1 No Sycamore tree**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Sycamore tree the subject of this application.
BOUNDARY TREATMENT	Front has wall + hedging approximately 2m in height, side and rear boundaries close boarded fencing approximately 1.8m in height.
SITE CHARACTERISTICS	Detached bungalow with attached garage on north side with tarmac driveway, conservatory on rear. Wooden summer house and garden shed in rear garden. The property has reddish/brown brickwork, brown tiled roof with white window frames.
CHARACTER OF LOCALITY	Residential road comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

BR/195/77/T	Felling of two trees	Refused 01-06-1977
BR/549/78/T	Fell 2 macracarpa & 1 cryptomeria trees	ApproveConditionally 13-09-1978
BR/427/82/T	Application to fell 2 no Macrocarpa trees	ApproveConditionally 07-07-1982

None

REPRESENTATIONS**Representations received:**

Felpham Parish Council

No objection

Tree Warden reports that the tree needs a prune and general tidy up.

Letter of Objection from West Sussex Wildlife Protection

No branch removal due to nesting birds.

Comments on Representations received:

Comments noted.

If approved, an informative will be added to any decision regarding the Wildlife and Countryside Act of 1981 regarding nesting birds.

CONSULTATIONS

Council's Arboriculturalist

Consultations responses received:

Council's Arboriculturalist

The Sycamore tree is barely visible from the highway. However, dead branch ends could be seen and the recommendation by the tree consultant would appear acceptable.

Comments on Consultation responses:

Noted and agreed.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Tree Preservation Order

No Public Sewer

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 Sycamore tree which is twin stemmed is sited in the rear garden of the property on the northern boundary and not readily visible from the front of the site and not of any significant visual amenity.

The application seeks to remove the dead stem, dying and dangerous branches. The applicant is concerned regarding the dead and dying branches that could be potentially dangerous when her young children play in the garden. The tree consultant has confirmed that there is no evidence of fungi or damage within the tree and cannot find any cause for the dead branches. Once the branches have been removed he will do regular checks on the tree regarding its continued health.

The Council's Arboriculturist has raised no objection to the removal of the dead, dying and dangerous branches for safety reasons.

It is therefore recommended to approve the application, subject to the following conditions.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 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.

- 2 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.

- 3 The works hereby approved shall involve the removal of the right hand stem of the twin stemmed Sycamore tree which is dead and the removal of smaller branches which are dead, dying or dangerous.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity.

- 4 **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.

- 5 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.