

TREE WORKS CONSENT REPORT

REF NO: LU/326/09/T

LOCATION: The Body Shop
Courtwick Lane
Littlehampton

PROPOSAL: Remove dead or damaged branches, clean epicormic growth to 6m to one Oak tree. Clean epicormic from main stem, thin crown by 20% and remove deadwood to one Sycamore. Reduce crown by 20%, clean epicormic to 8m and remove deadwood to one Sycamore (in decline).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	There is a thin line of mature trees running along the northern site boundary, there are also decorative shrubs in places.
BOUNDARY TREATMENT	The northern boundary of the site, where the trees that are subject of this application are located, is marked by an approximately 2.5 metre tall chain link fence as well as lines of trees.
SITE CHARACTERISTICS	The site is occupied by a group of two storey industrial units and office buildings which are currently vacant. The buildings are surrounded by hard surface car parking areas. There are trees between the highway and the buildings although these do not offer a great degree of screening.
CHARACTER OF LOCALITY	The site faces towards a mixture of residential dwellings that line the north side of Courtwick Road. The south side of Courtwick Road is lined by industrial and office buildings.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Littlehampton Town Council

No objection but refer to Arboriculturalist.

Comments on Representations received:

Noted.

CONSULTATIONS

Consultations responses received:

T1 The Turkey Oak needs to have dead and damages branches removed for which no formal application needs to be made, but I see no realistic reason to remove the epicormic growth on this tree apart from maybe aesthetic reasons.

T2 The Sycamore has some dead and dying wood in the crown, however, the thinning by 20% of the crown does not appear to be of any benefit to the tree and the removal of the epicormic growth I would suggest is not necessary ,unless there is an underlying problem in the main trunk of the tree,

T3 The other Sycamore is in decline and needs to have some work undertaken. Again, removal of dead and dying wood does not need a formal application, but removal of the epicormic growth from the main trunk of the tree does indicate that it may well be rejuvenating itself from the lower height, and in time a semipollard could form. And in this case the reduction of 20% of the main trunk of the tree would be acceptable.

Comments on Consultation responses:

Comments noted. However, as the proposed works are not considered to be excessive, it is considered that it would be acceptable to approve the tree works.

POLICY CONTEXT

Designation applicable to site:
Within Built-Up Area
Tree Preservation Order TPO/LU/1/86

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
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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 trees that are subject of this application are the only examples on the northern boundary of the site that are covered by a TPO. They serve an important function as a visual amenity by way of softening the impact of the warehouse buildings which are behind them and as such help define the character and appearance of the surrounding area.

It is considered that the proposed reduction to the crown of the trees would not be excessive and would not have an adverse impact on their visual amenity value.

It is therefore recommended that the application is approved, subject to the following condition.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The works hereby approved shall involve the removal of dead and damage branches and the cleaning of epicormic growth to one Oak tree (T1) to a maximum of 6 metres, the thinning of the crown by a maximum of 20%, the cleaning of epicormic growth from the main stem and the removal of dead wood to one Sycamore (T2) and the thinning of the crown by a maximum of 20%, the cleaning of epicormic growth to a maximum of 8 metres and the removal of deadwood to one Sycamore (T3).

All works shall be carried out in accordance with BS 3998: 1989 Recommendations for Tree Work.

Reason: In order to ensure a satisfactory standard of tree surgery in the interests of amenity in accordance with policy GEN7 of the Arun District Local Plan

- 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 in accordance with policy GEN7 of the Arun District Local Plan.

- 3 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 in accordance with policy GEN7 of the Arun District Local Plan.

- 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.