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

REF NO: **M/62/13/T**

LOCATION: Rear of Darmleigh
12 West Close
Middleton on Sea

PROPOSAL: Lop 3 branches of 1 No Sycamore tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The tree in question is situated in the rear garden of the property close to its north-western boundary.
TOPOGRAPHY	Predominantly flat.
TREES	The tree that is the subject of this planning application.
BOUNDARY TREATMENT	A combination of smooth rendered walling, close boarded fencing and hedging to front. To the rear, there is close boarded fencing at approximately 1.8m in height with other trees of significant height and maturity.
SITE CHARACTERISTICS	A two storey detached property with smooth rendered elevations painted white with black beams. The roof is hipped with plain brown tiles. There is a garage to the front of the property. A drainage channel runs to the rear of the property.
CHARACTER OF LOCALITY	Wholly residential in character, there are mainly two storey detached properties set within spacious plots. A number of other trees of significant height have been observed to the rear of other properties within the cul-de-sac.

RELEVANT SITE HISTORY

M/74/10/T	Remove Ivy and deadwood one Sycamore, reduce the lean-side and crown thin a Scots Pine by 10%.	ApproveConditionally 15-11-2010

REPRESENTATIONS

Representations received:

Middleton Parish Council

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturalist.
No objection.
I have inspected the three limbs of the Sycamore which are found to be healthy and in good condition. There is some dead wood further out into the finer branching area and its removal is exempt from requiring permission from the LPA. The proposed 'lop' of the three branches is unspecific and regarded as a poor term requiring refinement. Lopping of branches can create leafless and branchless stubs that have the potential to die back create cavity formation of the primary branches supporting them to ultimately reduce the longevity of the tree as a whole. It is therefore recommended that the higher branch should be reduced by 2-3m instead of lopping instead.

Comments on Consultation responses:

Comments noted.
The amendment to works can be achieved by way of an appropriate condition.

POLICY CONTEXT

Tree Preservation Order
Area of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

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 is situated in the rear garden of the property where it is not particularly visible from the road. There are a number of other signficantly sized trees at this site and others within

the cul-de-sac and so there will be no undue loss to the visual amenity of the street scene caused by these works.

The Council's arboriculturalist has considered that the works are acceptable with the exception of the higher branch of the three that should be reduced by 2-3m at a maximum rather than being lopped. This is due to lopping causing leafless and branchless stubs that have the potential to die back and create cavity formation. This amendment to the proposed works can be secured by way of an appropriate condition. With such a condition in place, it is recommended that the works can be approved.

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

RECOMMENDATION

APPROVE

1 The highest branch of the three hereby identified for works, shall only be cut back by a maximum of 3m from its tip.

Reason: To ensure good maintenance of trees which is an important feature of the area in accordance with Circular 36/78 and the National Planning Policy Framework.

2 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.

3 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 amendd) 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.