

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** M/63/17/T**LOCATION:** Manor House
1 Sea Lane
Middleton on Sea**PROPOSAL:** Fell 1 No. Sycamore.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
TREES	The tree outlined in this application is located on the land at Manor House, 1 Sea Lane, Middleton-on-Sea.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

M/5/13/T	Crown lift 1 no. Aesculus xCarnea (Red chestnut) by 2 metres & crown lift 1no. Ginkgo Biloba (Maidenhair Tree) by 1 metre	ApproveConditionally 05-03-2013
M/99/15/T	Crown lift by 3 meters away from the main highway (removal of 4 lowest branches) on west side) & removal of minor descending branches from lateral branch extending over highway by 2 meters back to suitable growth points. 1No. Quercus Ilex (Evergreen Oak)	ApproveConditionally 26-11-2015
M/92/16/T	(i) Tree G1(a) - Sycamore - reducing back the lateral branches by 2m over the adjacent driveway and road, crown lifting to achieve a ground clearance above the road of 6m and then tip back the remainder above it, address the issue of the lamp column and prune back to give a 1m clearance all around it. (ii) Tree G1(b) - Sycamore - Reducing back the lateral branches by no more than 2m over the adjacent driveway, Crown lifting to achieve a ground clearance above same of 6m and then tip back the remainder above it. (iii) Tree G1(c) - Sycamore - Reducing back the lateral branches by no more than 2m over the adjacent highway would be advantageous. Crown lifting to achieve a	Approve 14-12-2016

ground clearance above same of 6m and then tip back the remainder above it.

(iv) Removal of a number of dangerous Sycamore trees G1e;G1g & G1j on health and safety grounds.

(v) Tree 1 - Lime Tree - Crown lift to achieve a ground clearance above the road of 6m and then tip back the remainder above this by 1m to 1.5m maximum.

(vi) Tree 7 - Maidenhair (Ginko) pruning back no further than 0.5 metres to 1 metre , the previous old pruning points.

No relevant planning history.

REPRESENTATIONS

Representations received:

Middleton Parish Council

Parish Council - No comment.

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

Tree G1f - Sycamore *Acer pseudoplatanus* Avge Height = 16m Avge spread = 5m Age = Early-Mature

- This tree is in poor overall condition with significant cavities in mid crown area where large open wounds from previous heavy topping out have rotted and decayed down into trunk.
- The tree surgeons have now spotted decay at the base of the tree.
- This tree is in a prominent location overhanging a busy road so safety is paramount.

Conclusions:

- Whilst I do not think there is an imminent risk of failure there are significant health issues with this tree throughout.

Recommendations:

- I recommend APPROVAL for the felling of this tree subject to the planting of a replacement tree at the same location.

Conditions to be applied to the approved works:

- Once the Sycamore tree has been removed and either grubbed or ground out then a replacement tree is to be planted 'in the same place'.
- This is to be of Standard Nursery Stock proportions (10-12cm girth & 2m to 3m overall height) supported on a 'short stake' system with appropriate securing ties and pads.
- It is to be planted within 12 months of the removal of the Sycamore tree.
- The species shall be selected from the following:-
Pedunculate Oak *Quercus robur*

Common Beech *Fagus sylvatica*
Hornbeam *Carpinus betulus*

Reasons : To accord with current industry guidelines and sound arboricultural practice in general

Comments on Consultation responses:

Comments noted

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

It is recommended that consent be granted subject to the following conditions and 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 CONDITIONALLY

- 1
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- 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 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.