Development Control – Delegated Officer Report

Application Number: AWDM/0626/12 **Recommendation - Approved**
AWDM/0631/12 **Application**

Site: **9 Mill lane, Shoreham-by-Sea, West Sussex BN43 5AG**

Proposal: **Works to TPO tree (identified as T19 Monkey Puzzle on TPO 13.53/4/94(SU)) Reduce limbs overhanging property, remove 3 dead limbs and low hanging limb. (AWDM/0626/12)**

Section 211 Notice under Town and Country Planning Act 1990 to crown reduce Sycamore tree located to front of property by up to 2 metres on all sides, no reduction in height. (AWDM/0631/12)

Date of site visit: 6th June 2012

Neighbours checked: Publicity by site notice

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application is for consent under the TPO 13.53/4/94 (SU) and notification under Section 211 under the Town and Country Planning Act 1990 for the works as described above.

Both trees are to the front of no. 9 Mill Lane Shoreham-by-Sea. The trees are large and clearly visible within the street scene and Conservation Area within which they are both located.

Relevant site history: SU/51/05/TP – Crown thinning and reduction of Monkey Puzzle Tree subject to TPO 13.53/4/94.

Consultations: A site visit was carried out with the Council's Assistant Parks Manager who advised that the works were acceptable subject to some clarification relating to the low hanging limb of the Monkey Puzzle Tree and the overall height of the Sycamore. The applicant confirmed that the overall height of the Sycamore would not be reduced and the low hanging limb on the Monkey Puzzle tree would be removed in addition to the works initially stated.

Monkey Puzzle Tree – tree is in generally good health with no obvious signs of damage or decay, although vine covers the first 1-2 metres of the trunk.

Sycamore Tree – Co-dominant stems at around 4-5 metres. Tree appears to be in reasonable health. Previous works have been carried out to reduce away from building.

Representations: There have been no third party objections to the proposals.

Relevant Planning Policies

British Standard BS 3998 (2010) "Recommendations for Tree Works."
'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AB23
Design Bulletin No.1 'Trees and Landscaping' (ADC 1996)
'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

Planning Assessment

Affect on the Protected Tree

The Monkey Puzzle Tree is subject to the Tree Protection Order and due to its size and siting it is a prominent tree within the street scene and surrounding area. The tree is in good health and the need for the proposed works is clearly apparent. The branches to be cut back are currently against the roof and side of the dwelling. The removal of the dead limbs and the low hanging branch is acceptable to improve the appearance and shape of the tree.

Affect on the Conservation Area Trees

The Sycamore tree is also a large and prominent tree contributing to the character and visual amenity of the Conservation Area. The proposed works to reduce sides by up to 2 metre are considered to be acceptable to clear the building and reduce the spread over the road.

Recommendation 1 (AWDM/0626/12)

Approve subject to the following conditions:

1. The works to the Monkey Puzzle Tree, T19 under Tree Preservation Order 13.53/4/94(SU) hereby permitted shall be restricted to the following maximum, only, unless otherwise agreed in writing with the Local Planning Authority, and carried out in accordance with the British Standard BS 3998 (2010) Recommendations for Tree Works: -

    (i) Reduce limbs overhanging roof of 9 Mill Lane, Shoreham-by-Sea.
    (ii) Remove 3 dead limbs.
    (iii) Remove 1 low hanging limb to north east side.

    Reason: - To protect the special amenity value of the tree.

2. The approved tree works, to which condition 1 of this consent relates, shall be carried out within a period of ONE YEAR from the date of this consent.

Reason: - To save disfigurement of the trees, in the interests of visual amenity.

Informative:

1. The applicant is strongly advised to ensure that the contractor carrying out the work is made aware of the above conditions. Should the works carried out exceed that which is permitted then it may be open to the Local Planning Authority to take prosecution action against the owner of the tree(s) and the contractor. If the applicant is unclear about any aspect of the specification for works, they are strongly advised to contact the Council's Arboricultural Officer prior to the commencement of the works.
2. The applicant's attention is drawn to the provisions of both the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way Act 2000.
   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 tree etc during this period could lead to an offence under the act.
   Under the 2000 Act, it is an offence both to intentionally or recklessly destroy a bat roost, regardless of whether the bat is in roost at the time of inspection. All trees should therefore be thoroughly checked for the existence of bat roosts prior to any works taking place. If in doubt, the applicant is advised to contact the Bat Conservation Trust at 15 Cloisters House, 8 Battersea Park Road, London, SW8 4BG. Their telephone number is 020 7627 2629.

Recommendation 2 (AWDM/0631/12)

Do not make TPO.

The following works are hereby approved:
Crown reduce 1 Sycamore tree by up to 2 metres on all sides with no reduction to tree height.

Is recommendation contrary to letter(s) of representation? N

Case Officer: Hannah Barker Date: 27th June 2012

Authorised by: Jo Morin Date: 29 June 2012