Expiry Date -

Development Control – Delegated Officer Report

Application Number: **Recommendation – APPROVE**
AWDM/0054/12

Site: **25 Mile Oak Road Southwick**

Proposal: **Application for consent under Tree Preservation Order No. 13.53/10/97 (SW) to prune 6-8 branches to the back (facing away from the house) of two Silver Birch trees (T1 and T2)**

Neighbours checked: Y
Additional neighbour notifications: N

Proposal, Site and Surroundings

The works are to prune 6 – 8 branches of two Silver Birches (T1 & T2) covered by Preservation Order 10 of 1997.

Both Silver Birch Trees are established specimens (20-30 years of age) to heights of some 10-12 metres, located in the long rear garden of No. 25 Mile Oak Road.

The surrounding area is a residential suburb. There is an absence of established trees nearby making the prominence of the Silver Birch Trees more pronounced.

Relevant Planning History

None

Consultations

Adur & Worthing Councils: The Parks Officer recommends the above works be permitted.

Representations None

Relevant Planning Policies and Guidance

South East Plan (GOSE 2009): BE1, CC6
Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AB23

Planning Assessment

Principle

The initial request is to remove 6-8 branches on the east side to clear the neighbour's car port. Although the branches do not qualify as a 'nuisance', this nevertheless is an acceptable reason for the works.

Public amenity

The trees are in generally good health (although tree officer did not carry out a close inspection). The canopy of the two trees together creates an appealing form. They sustain their public amenity value as protected trees.

Their form could be reduced by simply removing all branches to a certain height on one side. However the branch removal proposed is limited to selected horizontal and less upright branches to create a slimmer more compact crown between the two trees. This would retain the trees' visual amenity value.

Recommendation

APPROVE:-

Subject to Conditions:-

1. Tree works carried out in accordance with specification of works
2. Tree works be carried out within a period of ONE YEAR

Informatives

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.

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.

Is recommendation contrary to any representations? N

Case Officer signed: Matthew Porter Date: 15-03-2012

Authorised and signed by: Jo Morin Date: 15 March 2012