Worthing
BOROUGH COUNCIL

Awarded for excellence

Portland House
Richmond Road
Worthing BN11 1LF

APPLICATION NO. WB/08/0664/TPO

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREE PRESERVATION ORDER) REGULATIONS 1969 (AS AMENDED)

Mr Richard Elson
3 Farm Cottages
Honeysuckle Lane
Worthing
West Sussex BN13 3BT

PROPOSAL: Application for consent under Worthing Tree Preservation Order No. 1 of 1991 to reduce the height by up to one metre to a suitable side branch as a formative prune and to reduce the overall spread by up to one metre to one Atlas Cedar (T3).

LOCATION : 3 Farm Cottages Honeysuckle Lane Worthing

DATE REGISTERED 23rd June 2008

APPLICANT : Mr Richard Elson

WORTHING BOROUGH COUNCIL, under the above Act and Order, gives you notice that its decision upon your application described above and in Drawing No. DC877A3 which accompanied the application, or as subsequently amended prior to consideration, is to

GRANT CONSENT subject to the following conditions:-

1. The remedial surgery to the Atlas Cedar tree, T3 under the Worthing Tree Preservation Order No. 1 of 1991, hereby permitted, shall be restricted to the following maximum only, unless otherwise agreed in writing with the Local Planning Authority:

   (i) Reduce height by up to one metre, to a suitable side branch, as a formative prune; and

   (ii) Reduce overall spread by up to one metre, to growth points (i.e. same works as those granted under application Consent WB/1231/TPO dated 26th November 2007).

Reason: In the interests of visual amenity.

Cont.....

Dated : 11th August 2008

Executive Head of Planning,
Regeneration and Wellbeing

Note: Your attention is drawn to the notes and advice overleaf.

NOTES TO ACCOMPANY GRANT OF CONSENT FOR FELLING OF OR WORKS TO PRESERVED TREES

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING AND COMPENSATION ACT 1991

THE TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

1.1 Where an application is made to the Authority for consent under the Order and that consent is refused by that Authority or is granted by that Authority subject to conditions, or where any certificate or direction is given by the Authority, the applicant, if he/she is aggrieved by its decision, may by notice under this section appeal to the Government Office for the South East, Bridge House, 1 Walnut Tree Close, Guildford, Surrey, GU1 4GA.

1.2 A notice under this section shall be served in writing within 28 days from the date of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.

1.3 Where an appeal is brought under this section from a decision, certificate or direction of the Authority, the Secretary of State subject to the following provisions of this section may allow or dismiss the appeal, or may reverse or vary any part of the decision of the Authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

2. Subject to the provisions of the Tree Preservation Order, any person who has suffered any loss or damage in consequence of any refusal (including revocation or modification) of consent under the Order or of any grant of any such consent subject to conditions, shall, if he/she makes a claim on the Authority within the time and in the manner described by the Order, be entitled to recover from the Authority compensation in respect of such loss or damage. Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of the Order.

3. In assessing compensation payable under the last preceding paragraph, account shall be taken of (a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 198 of the Town and Country Planning Act 1990 or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act 1932, and (b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

4.1 A claim for compensation under the Order shall be in writing and shall be made by serving it on the Authority, such service to be effected by delivering the claim at the offices of the Authority addressed to the Chief Executive thereof or by sending it by prepaid post so addressed.

4.2 The time within which any such claim shall be made as aforesaid shall be a period of 12 months from the date of the decision of the Authority, or of the Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the Authority, from the date of the decision of the Secretary of State on the appeal.

2. The approved remedial surgery to the Atlas Cedar tree, 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 tree, in the interests of visual amenity.

INFORMATIVES

1. This consent under a Tree Preservation Order has been granted subject to the conditions listed above. The Council has a formal procedure for checking compliance with planning conditions and you are advised to ensure that all conditions are fully discharged. Failure to comply with a condition can result in enforcement proceedings, including the service of a Breach of Condition Notice. You are further advised to engage the services of a qualified tree surgeon/arboricultural consultant to ensure that the works are carried out in a competent manner. Should your tree surgeon/consultant wish to have clarification of the extent of the approved works, then please contact Mr H Barnes-Moss on extension 1348 who is the Case Officer for this application, or the Council's Arboriculturist, Mr P Whish on extension 1117.

2. The applicant is advised that the tree works hereby approved should be carried out in accordance with the British Standard, "Recommendations for Tree Work", - BS 3998 : 1989. A copy of this document is available for viewing at the Planning Section Offices at Portland House, Richmond Road, Worthing, West Sussex BN11 1LF.

3. The applicant is advised that the cut branches, logs and foliage resulting from the tree works hereby permitted, should be disposed of or recycled in a manner that would not give rise to a loss of amenity to the occupiers of the adjoining and nearby properties, through smell, smoke or dust.

4. The decision to grant planning permission has been taken having regard to the saved policies and proposals in the West Sussex Structure Plan 2001 – 2016 set out below, and to all relevant material considerations, including Supplementary Planning Guidance:

   Saved West Sussex Structure Plan Policies 2001 – 2016

   CH1 - Character

   This information is only intended as a summary of the reasons for grant of planning permission. For further details on the decision please see the application report which is available from the Planning Reception at Portland House, Richmond Road, Worthing.