Development Management - Delegated Officer Report

Application Number: AWDM/1449/12 Recommendation – Approve

Site: St. Pauls Lodge, 2 - 4 Southdown Road, Shoreham-by-Sea BN43 5AN

Proposal: Section 211 Notice under the Town and Country Planning Act 1990 to crown reduce 1 Norway Maple by 1.5 m; reduce by 0.75 m and remove small crossing branches on 1 Bird Cherry; crown reduce by 0.75 m – 1 m one Red Oak; reduce by 0.5 m – 1 m one Apple; reduce by 0.5 m one multi-stemmed evergreen; and reduce by 0.75 m 1 Hawthorn (trees within the Shoreham Conservation Area)

Date of site visit: 20th December 2012

Neighbours checked: Y
Additional neighbour notifications: N
Conservation Area Site Notice: Y

Proposal, Site and Surroundings

This is a Section 211 Notice under the Town and Country Planning Act 1990 of intention to carry out selective pruning to six various trees in the rear garden of St. Pauls Lodge, 2 – 4 Southdown Road. The site lies within the Shoreham Conservation Area.

The proposed works, respective to each of the trees, is as described above, and is minor pruning/ general maintenance, to give greater clearance to the east-facing side of the building and the flats.

Consultations

The Council's Arboriculturist supports the proposed works.

Representations

None received

Planning Assessment

Section 198 of the Town and Country Planning Act 1990 provides that a local planning authority may protect trees by the making of a Tree Preservation Order, in the interests of amenity.

Section 211 of the Act requires that anyone wishing to carry out works to trees in a Conservation Area [where for the time being a Tree Preservation Order is not in force] must give the local planning authority six week's notice setting out the proposed tree works and the reasons for them.

In response to such a Notice, the local planning authority may do one of the following:

(i) it may confirm that the proposed tree works are acceptable and may go ahead, without the need for a Tree Preservation Order; or

(ii) it may make a Tree Preservation Order, so that the tree works may be controlled by application for consent, where necessary and expedient, in the interests of amenity; or

(iii) it may allow the six week's notification period to expire, after which the proposed tree works in the notice may go ahead, so long as they are completed within two years from the date of the notice.

In this case, the Section 211 notice AWDM/1449/12 is dated 20th November 2012. This was received by Adur & Worthing Councils and validated on 23rd November 2012. It was statutorily advertised on 6th December 2012 with the 3-week advertising period expiring on 27th December 2012. The six week's period for a decision expired on 1st January 2013.

The proposed tree works relate to six trees of mixed species – 1 Norway Maple, 1 Bird Cherry, 1 Red Oak, 1 Apple, 1 Hawthorn and 1 evergreen (unspecified).

The works would entail minor crown reduction of the trees, by between 0.75 m and 1.5 m as varying amounts per tree, to reduce the spread of the branches on the west side of the trees which are growing towards and close to the building and which are beginning to cause nuisance to the residents and the building. They would also be formative pruning, which would improve the well being of the trees.

These works in my view would not significantly or adversely affect the natural form, branch structure or appearance of the trees. As such, as they are minor remedial tree pruning, only, which would maintain the natural form and branch structure of the trees these works would preserve, and would not materially harm, the character and appearance of the Shoreham Conservation Area.

A Tree Preservation Order, to control the works by application, is not therefore necessary or expedient on amenity grounds.

Recommendation

That the applicant be advised that the Council has no objections to the proposed tree works proceeding, and that is not minded to make a Tree Preservation Order.

Is recommendation contrary to letter(s) of representation? No

Case Officer: HBM Date: 9th January 2013

Authorised by: PD Date: 11.1.13