WORTHING BOROUGH COUNCIL

Jonathon Thwaites
D&T Tree Surgery
62 West Way
Hove
BN3 8LR

## SPLIT DECISION UNDER TREE PRESERVATION ORDER

**TOWN AND COUNTRY PLANNING ACT 1990**
**TOWN & COUNTRY PLANNING (TREES) REGULATIONS 1999 (AS AMENDED)**

## APPLICATION NUMBER: AWDM/0748/23

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby PART REFUSE CONSENT and PART CONSENT to the following works that is to say:

**Application for consent under Worthing Tree Preservation Order No.30 of 1990 to reduce crown height and radial spread by up to 3 metres one Purple Beech tree of G3 and to fell and replace one Holm Oak tree of group G3**

**19 Offington Lane Worthing West Sussex BN14 9RH**

to be carried out in accordance with Plan and Application No. AWDM/0748/23 (as modified by the under-mentioned conditions, if any) submitted to the Council on 31/05/2023 subject to compliance with the conditions specified hereunder.

G Peck

Gary Peck
Planning Services Manager

Date:26/07/2023

Worthing Borough Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

**Ref: AWDM/0748/23**

## SCHEDULE

### Reasons for Refusal

01. The Holm Oak treeT1 of group G3 is a prominent and established feature, which contributes positively to local character and landscape of the area, and its removal would be detrimental. Having regard to the maturity and stature of the tree and its prominence within the street scene, There is no arboricultural or other acceptable reason provided which would justify the loss of this tree. It is considered that other works such as reduction in crown height and radial spread, crown thinning and the removal to a suitable point of the Southwestern stem should be considered, which would be less detrimental to the visual amenities of the area.

### Conditions for Approval

01. The proposed works, hereby permitted, shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

| Reference/Drawing Number | Version | Date Rec |
|---|---|---|
| TPO 30 of 1990 Extract | | 31.05.2023 |

**Reason**: *For the avoidance of doubt and in the interests of proper planning.*

02. The proposed works to the Purple Beech tree T1 of group G3, hereby permitted, shall be restricted to;

i Reduction in crown height of up to 2 to 3 metres, 3 metres on the tallest most protruding stems.

ii Reduction in radial spread of up to 1 to 2 metres, 2 metres on the longest most protruding limbs.

only unless otherwise agreed in writing with the Local Planning Authority and carried out within two years from the date of consent and in accordance with the British Standard BS 3998: 2010 Tree Work.

**Reason**: *In the interest of visual amenity.*

**Notes to Applicant**

You are strongly advised to ensure that the tree surgeon 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 tree surgeon. 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 the Countryside & Rights of Way Act 2000. Under the 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, 8, Battersea Park Road, London, SW8 4BG. Their telephone number is 020 7627 2629.

**Ref: AWDM/0748/23**

## TOWN AND COUNTRY PLANNING ACT 1990
## The Town and Country Planning (Tree Preservation) (England) Regulations 2012

**YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT**

**Appeals to the Secretary of State**

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 them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Planning Inspectorate.

2. A notice under this section shall be served in writing within twenty-eight days from the date of notification of the decision, certificate or direction, as the case may be, or such longer period as the Planning Inspectorate may allow. Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

3. Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Planning Inspectorate, 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 has been made to him in the first instance.

4. Before determining an appeal under this section, the Planning Inspectorate shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Planning Inspectorate for the purpose.

5. The decision of the Planning Inspectorate on any appeal under this section shall be final.

6. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

7. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.