Development Management - Delegated Officer Report

Application Number: **Recommendation – Approve**
AWDM/1092/11 & AWDM/1104/11

Site: **Manor House, 14 Southwick Street, Southwick**

Proposal: AWDM/1092/11 - Application for consent under Adur Tree Preservation Order No. 162/2/80 (SW) to crown reduce by 2 to 3 metres to live growth points and reduce weight on lower branches of eleven Holm Oaks (G2), and to reduce spread by 2 to 3 metres one Horse Chestnut (T17), and to crown reduce by up to 1 metre one Bay (T16).

AWDM/1104/11 - Section 211 Notice under the Town & Country Planning Act 1990 to lightly prune one young Oak (T1), to reduce height by 3-4 metres five Acacia (T2-T6), to crown reduce by up to 2 metres one Bay (J), to reduce spread on north side by 2 to 3 metres one Lime (K) (6 weeks notice for works to trees in a Conservation Area)

Date of site visit: 9 February 2012

Neighbours checked: Y

Proposal, Site and Surroundings
The application is for consent under the TPO 162/2/80 and notification under Section 211 under the Town and Country Planning Act 1990 for the works as described above.

The trees are within the garden area of Manor House, No. 14 Southwick Street which is a Grade II Listed Building. The garden area contributes to the setting of the building and to the character of the streetscene. The trees are located within the Southwick Conservation Area.

Relevant site history

None relevant

Consultations

Adur and District Conservation Group – comment on the lack of information provided and suggest further detail to be submitted as per the planning officers request for information. The Group comment that the trees have been 'seriously neglected' and question what time of year the work would be carried out.

A site visit was carried out with the Council's Parks Officer who advised of appropriate works to the trees which is reflected in the current descriptions.

Representations

None

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)

Planning Assessment

In relation to the comments received from the conservation society, concerning lack of information – the description of work was revised following a site visit and advice from the Council's Parks Officer, and in relation to the timing of work – the Council's Parks Officer has confirmed that the work does not need to be carried out at any particular time of year for the trees involved.

Affect on the Protected Trees
The eleven Holm Oaks (G2), Horse Chestnut (T17) and Bay tree (T16), the subject of this application, are protected under Tree Preservation Order No. 162/2/80 (SW).

The protected trees are within the garden area of The Manor House, just within the boundary wall fronting Southwick Street and so are highly visible, contributing to the character of the streetscene.

The works involve a crown reduction by 2-3 metres and reducing weight on the lower branches of the eleven Holm Oaks, reducing the spread of the Horse Chestnut by 2-3 metres, and for the Bay tree, a crown reduction by up to 1 metre. These works have been proposed following advice from the Council's Parks Officer and so provided that the works are restricted to those he has recommended the proposed works to the trees would not have an adverse effect on the natural form, appearance or amenity value of the trees.

As such the proposed work is considered acceptable.

Affect on the Conservation Area Trees
The Council's Parks Officer has provided advice to the applicant and is supportive of the proposed works to the Oak, Acacia, Bay and Lime trees. The works will not have an adverse effect of the natural form and appearance of the trees and are supported.

The works are considered to protect the amenity and health of the trees, and therefore it is not considered that the trees would warrant a TPO for their own protection or for public amenity grounds. The proposed works can therefore proceed.

Recommendation 1 (AWDM/1092/11)

Approve subject to the following conditions:

1. The works to the protected Holm Oaks (G2), Horse Chestnut (T17) and Bay (T16) trees under the Adur Tree Preservation Order 162/2/80 (SW) 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:-

Eleven Holm Oaks (G2):- crown reduce by 2 to 3 metres to live growth points and reduce weight on lower branches

Horse Chestnut (T17):- reduce crown spread by 2 to 3 metres

Bay (T16):- crown reduce by up to 1 metre

Reason: To protect the special amenity value of the trees.

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/1104/11)

Do not make TPO.

The following works are hereby approved:

Lightly prune one young Oak (T1), to reduce height by 3-4 metres five Acacia (T2-T6), to crown reduce by up to 2 metres one Bay (J), to reduce spread on north side by 2 to 3 metres one Lime (K)

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

Case Officer: Rebekah Smith Date: 3 May 2012

Authorised by: Jo Morin Date: 9 May 2012