DELEGATED APPLICATIONS ASSESSMENT SHEET

Application No: 11/0174/TPO	Recommendation – Approve Application
Site	Homesteyne House 11-13 Broadwater Road Worthing West Sussex
Proposal:	Application for consent under Worthing Tree Preservation Order No. 37 of 2001 to fell one Holm Oak (T1) adjacent to rear boundary and replace with a tree of native species.

Date of Site Visit: 7th April 2011

Neighbours Checked: Y

Additional Neighbours Notified (List Addressess): N

SITE AND SURROUNDINGS AND DETAILS OF PROPOSAL:

Homesteyne House is late 1980s development of 38 retirement flats. It is situated on the west side of Broadwater Road (A24) a short distance to the south of the crossroads of Northcourt Road and Cecilian Avenue with Broadwater Road.

The application relates to a protected Holm Oak tree, T1 under the Worthing Tree Preservation Order No. 37 of 2001, on the rear boundary of the site.

Consent is sought to fell the tree and to replant with a suitable species.

The grounds for felling the tree are safety: The Holm Oak tree has extensive wounding and decay in its major limbs, with the potential for full or partial failure, particularly in high winds which having regard to its position over the car park and over neighbouring gardens presents unacceptable risk. A replacement tree of an appropriate species would be planted to retain screening and maintain levels of tree cover.

CONSULTATIONS AND REPRESENTATIONS

The Borough Arboriculturist supports the application, and comments:

"The Holm Oak is in poor condition with decay in the base. It also has a number of weak forks. No objection to its removal subject to replacement planting. The tree has mainly screening value."

HUMAN RIGHTS

Article 8 of the First Protocol (Protection or Property) of the Human Rights Act 1998 is relevant to this application. It is accepted that this proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that the level of development proposed would not cause undue harm in terms of additional noise, disturbance and loss of privacy and that, on balance, existing residential quality of life would not be adversely affected as a result of the proposal. Accordingly, it is considered that it is acceptable with regard to Article 8 and Article 1.

PLANNING ASSESSMENT

This protected Holm Oak provides screening between the rear car park of Homesteyne House and the adjoining dwellings to the west in Pembury Close. It was retained in the late 1980s as part of the landscaping of Homesteyne House under planning permission WB/52/87; however, in relation to the surrounding area, the tree has low public amenity value, being directly to the rear (west) of Homesteyne House from Broadwater Road and behind the neighbouring houses in Pembury Close.

The tree is in a poor condition due to extensive decay in its limbs. These, or any part of them or the majority of the tree, could fail in high winds.

In view of the poor condition of the tree, it is considered that the removal of the tree, subject to the planting of a suitable replacement tree in a similar position on the site, in accordance with details of its size and species to be agreed with the Council, in order to retain screening between Homesteyne House and the adjoining dwellings, is acceptable.

Conditional consent is recommended.

RECOMMENDATION

Approve, subject to the following conditions:

1. Felling of Holm Oak to be carried out within a period of one year from date of consent

2. Replacement tree of size and species and in a position agreed with the LPA to be planted before 31st December 2012.

3. A replacement tree required, if within 5 years from date of planting, the approved replacement fails.

Is the recommendation contrary to any letter (s) of representation?

No/~~Yes/DA~~

DELEGATED

Case Officer Sign..... Date 3rd May 2011

Authorising Officer Sign..... Date 4·5·11