Development Management - Delegated Officer Report

Application Number: **Recommendation – Permit**
AWDM/0794/11

Site: **30 Church Lane, Southwick, Brighton.**

Proposal: **Crown lift Holm Oak to 4.5 metres (T1); cut back branch of Oak over driveway by 2 metres (T6); crown lift Oak to 4.5 metres (T13); and cut back branch of Lime tree over Holly tree (T14) (all subject to Tree Preservation Order No. 162/1/82/(SW) and Section 211 notice under the Town and Country Planning Act 1990 to crown lift to 3.5 metres 1 x Oak; and crown lift to 4.5 metres 1 x Willow (6 weeks prior notice of works to trees in a Conservation Area) (situated along access road serving No's 28 and 30 Church Lane)**

Date of site visit: 11.11.11

Proposal
The dwellings which occupy the site where the trees are growing, are a backland development of two houses (No's 28 & 30) which are both served by a 50m long driveway from Church Lane. The driveway is tree lined with a number of different species which are of different ages. Some of the trees are subject to specific protection of Tree Preservation Order No. 162/3/82 (SW), whereas the rest have protection through growing within the designated Southwick Conservation Area.

The works proposed are for the maintenance and general upkeep of the trees.

To the west of the site is The Old Rectory with the expansive gardens to the south (adjacent to the access), to the east of the access is No.26 Church Lane a detached house in a large plot. Some of the trees are close by and overhang the boundary with No.26.

Consultations and Representations

Adur District Council: The Assistant Parks Manager states that all of the trees are in generally good health with no obvious signs of damage or decay. Some have accrued a considerable amount of deadwood but nothing which affects the structure of the tree.

With regards to the trees which are subject to the TPO:-
T1. Holm Oak is approx 50 years old and 14m in height. It is growing in close proximity to another more dominant Holm Oak, and has resulted in a curved growth that has most of the crown low down on the tree.
T6. Oak is approx 80+ years old and 18m in height. Is a large mature tree with a single branch that extends over the access road, which requires cutting back to a suitable fork.

T13. Oak approximately 80+ years old and 18m in height. It is a very good mature tree which requires deadwood removal and some low branches over the roadway removing.
T14. Lime tree is 50+ years old which is 18m in height. The tall mature tree requires deadwood removal and pruning back branches effecting a nearby holly tree.
Trees in Conservation Area:-
T3. Oak 25-30 years old 14m in height. A good specimen with some low branches.
T8. Willow approx 30 years old and 18m in height. A small willow which requires lifting and deadwood removal.

Recommend that the works be approved.

Adur District Conservation Advisory Group: No objections

Third Parties: There have been no third party objections to the proposals.

Relevant Planning Policies
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AB23
Design Bulletin No.1 'Trees and Landscaping' (ADC 1996)
'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

Planning Assessment

The trees themselves are growing each side of this access drive and are of substantial size with a large amount of coverage. Many of the canopies intermingle over the driveway, and it is evident that there is a large amount of deadwood within those subject to this application.

This part of the conservation area is comprised of large detached houses adjacent to the road, particularly on the southern side of the street and to the east. However where the access to No's 28 & 30 extends off Church Lane there is a long flint wall which surrounds the grounds of the Old rectory to the west. Here the rural character of the old part of the conservation area is reinforced with the large trees and appearance of original boundary walls.

Effect on TPO Trees
The four trees subject to the TPO are arranged with the main Holm Oak directly on the eastern side of the access drive, overhanging the road at an acute angle. Due to the proximity of the adjacent tree and the lean it has, the crown is uneven and predominantly towards the road. The proposed crown lift would even out the overall appearance, and is felt to be acceptable.

The other trees subject to the TPO (No's T6 Oak, T13 Oak and T14 Lime) are all well set back into the site and screened from all but close up views. The proposed works are considered to be remedial and therefore unlikely to harm any longterm growth or impact the amenity value of the specific trees.

Effect on Conservation Area Trees
One of the main issues with both the TPO trees and the other large specimens are that deadwood and low hanging branches impede and fall onto the driveway which serves the two dwellings to the rear. The proposed crown lifting of the Oak (T3) and Lime (T8) will enhance the approach views to the two dwellings, and improve the safety of the access. It is not considered that their long term health will be adversely affected so that it would warrant a TPO in this case.

Recommendation

SPLIT DECISION:-

APPROVE works to the TPO trees subject to:-

1. The remedial pruning works to the protected Holm Oak (T1), Oak (T6), Oak (T13) and Lime (T14) under Tree Preservation Order 162/1/82/(SW), hereby permitted, shall be restricted to the following maximum, as specified in this submission 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, namely:-
   (i) Crown lift Holm Oak (T1) to 4.5m over south side pavement and road;
   (ii) Cut back east facing branch of Oak (T6) over driveway by 2m.
   (iii) Crown lift Oak (T13) to 4.5m; and
   (iv) Cut back North facing branch over of Lime (T14) away from Holly tree to suitable growth points.
   Reason: *To retain adequate control over 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 1 YEAR from the date of this consent.
   Reason: *To save disfigurement of the trees , and in the interests of visual amenity.*

Section 211 notice works to Oak (T3) and Willow (T8):-

Do not make a TPO.

Notes/Informatives.

01. You are strongly advised to ensure that the tree surgeon carrying out the work is made aware of the above conditions…etc.
02. The applicant's attention is drawn to the provisions of the Countryside & Rights of Way Act 2000, and the Wildlife and Countryside Act 1981…etc

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

Case Officer: Carlos Hone Date: 23.11.11
Authorised by: Jo Morin Date: 24.11.11