WORTHING BOROUGH COUNCIL

Mr Gareth Morely
Sawing Heights Tree Surgery
9 Hillcrest Drive
Ashington
West Sussex

SPLIT DECISION UNDER TREE PRESERVATION ORDER

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

APPLICATION NUMBER: AWDM/0078/24

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.7 of 1977 to reduce crown height and radial spread by up to 5 metres Lime tree T2; reduce crown height and radial spread by up to 3 metres Prunus tree T1; reduce crown height by up to 4 metres Holly trees T2 and T5 of group G2; to reduce crown height by up to 5 metres Holly trees T3 and T4 of group G2; and to fell and replace one Cupressus T6 of G1.

14 Ambrose Place Worthing West Sussex BN11 1PZ

to be carried out in accordance with Plan and Application No. AWDM/0078/24 (as modified by the under-mentioned conditions, if any) submitted to the Council on 15/01/2024 subject to compliance with the conditions specified hereunder.

G Peck

Gary Peck
Planning Services Manager

Date:20/03/2024

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/0078/24

SCHEDULE

Reasons for Refusal

01. The reduction in crown height of the Holly trees of group G1, marked as T2 T3 T4 and T5 on the applicant's plan. These trees are a prominent and established feature, which contributes positively to the character and landscape of the Chapel Road Conservation Area. The proposed works would disfigure and damage the natural crown form, branch structure, integrity and appearance of the trees. Having regard to the maturity and stature of the trees and their prominence within the street scene, it is suggested that other works such as reduction in radial spread crown lifting and crown thinning should be considered.

02. The Cupressus tree of group G1 marked as T6 on the applicant's plan, is also a prominent and established feature, which contributes positively to the Chapel Road Conservation Area. There is no arboricultural or other acceptable reason provided which would justify the loss of this tree. Having regard to the maturity and stature of the tree and its prominence within the street scene, it is considered that other works such as selective pruning reduction in radial spread and crown lifting could alleviate the neighbours concerns and retain the tree.

Notes to Applicant

01. For the avoidance of doubt this refusal relates to the following drawings/plans:-

Reference/Drawing Number	Version	Date Rec
TREE LOCATION SKETCH PLAN		15.01.2024

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
TREE LOCATION SKETCH PLAN		15.01.2024

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

02. The proposed works to the Prunus T1, hereby permitted, shall be restricted to:
    i) Reduction in crown height and radial spread back to previous points (approximately 3 metres);

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.*

03. The proposed works to the lime tree T2, hereby permitted, shall be restricted to:
    i) Reduction in crown height and radial spread back to previous points (approximately 3 to 5 metres);

    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/0078/24

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.