Development Control – Delegated Officer Report

Application Number: AWDM/0131/13 Recommendation – Approve

Site: 18 Manor Road, Lancing, West Sussex BN15 0EY

Proposal: Section 211 Notice under the Town and Country Planning Act 1990 to fell two Cupressus columnaris trees in front garden, on boundary with No. 20 Manor Road, Lancing

Date of site visit: 14th February 2013

Neighbours checked: Y
Additional neighbour notifications: N
Site Notice (Site within Lancing Conservation Area): Y

Proposal, Site and Surroundings

This is a Notice under Section 211 of the Town and Country Planning Act 1990 to fell two Cupressus columnaris trees in the front garden of 18 Manor Road, Lancing. The trees are situated within the Lancing Conservation Area. The reason for felling is that the trees were blocking light to the adjoining property. The trees have been felled recently; it appears more than 6 weeks after the submission of the application.

Consultations

The Council's Arboriculturist (Parks) supports the application as made, and comments that the trees (at the time of the inspection) were unsuitable for a Tree Preservation Order.

Representations

Lancing Parish Council comments (20th February 2013): *"Although these trees were conifer type trees, some members of the Committee objected to any being tree being felled. It was also unclear whether these removals were for light or root issues but after consideration the Committee voted 7 to 1 with 1 abstention in favour of the application."*

Planning Assessment

The trees were inspected on 14th February 2013. They are an evergreen, ornamental feature, which are situated within the front garden of the property, on the boundary with No. 20 Manor Road. They have subsequently been felled, albeit outside of the 6 week period for making a Tree Preservation Order.

Notwithstanding their removal, the trees were considered unsuitable for a Tree Preservation Order, in view of their compact, ornamental form and their limited prominence and public amenity value within the street scene. Their removal therefore does not seriously erode the historic character and visual amenities of the area and, on this basis, would not qualify for protection under a Tree Preservation Order.

A replacement tree cannot be required in response to a Section 211 Notice to fell trees in a Conservation Area. If the Council wished to control such felling and replacement tree planting it would have to make a Tree Preservation Order in order to be able to grant consent subject to suitable conditions. However, in this case it is not expedient to make a Tree Preservation Order. on these trees.

In the light of the above amenity assessment and the limited scope for making Tree Preservation Orders in line with central Government advice, and taking into account the supporting comments

of Lancing Parish Council and those of the Council's Arboriculturist, the trees the subject of the notice would not qualify for a Tree Preservation Order and may therefore be removed.

Recommendation

That the works the subject of this Section 211 Notice be supported.

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

Case Officer:	HMB	Date: 8th April 2013
Authorised by:	PD	Date: 8.4.13