DELEGATED APPLICATIONS
ASSESSMENT SHEET

APPLICATION No. and SITE: WB/11/0012/TPO – Princess Court, Lincett Avenue

DATE OF VISIT: 21st January 2011

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR CONSULTATIONS: N/A

PROPOSAL, SITE AND SURROUNDINGS

The site is a 6-storey block of 24 flats. It is situated on the south side of Lincett Avenue on the west corner of Lincett Drive. The application relates to a protected Silver Birch tree, T1 under the Worthing Tree Preservation Order No. 12 of 1994.

Consent is sought to raise the crown of the Silver Birch tree by approximately 3 metres and to crown thin the tree by the removal of selected branches (i.e. dead, weak, abrading and duplicated branches).

The reasons for the works are to allow more light to the flats in Princess Court.

RELEVANT PLANNING HISTORY

1967: Planning permission granted for a 6-storey block of 24 flats and 7 terraced houses and garage (WB/176/67)
July 1994: Tree Preservation Order No. 12 of 1994 made; Confirmed 22nd August 1994
October 1994: Consent *refused* to top and reduce height to approx. 30 ft (9m) and trim tree roots (WB/94/0648/T)

RELEVANT SAVED PLANNING POLICIES & NATIONAL PLANNING POLICY GUIDANCE

DETR: Tree Preservation Orders – A Guide to the Law and Good Practice (March 2000)
British Standard: BS 3998 (2010) Recommendations for Tree Works

REPRESENTATIONS

The Borough Arboriculturist comments: *"Support crown lift, to leave lowest foliage at 5 metres.'*

HUMAN RIGHTS

Article 8 of the First Protocol (Protection of 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 Silver Birch tree is an established and very prominent feature of this area, with high public amenity value. It appeared in good condition at the time of inspection.

The proposed crown lifting of the tree *by 3 metres,* is vague, as it does not quantify to what extent the removal of lower branches would be carried out. Such works may damage the tree's natural form, appearance and amenity value, unless restricted.

On the advice of the Borough Arboriculturist, the raising of the tree's crown is acceptable in principle, but having regard to its natural crown form and branch structure, the works should be restricted to the removal of the lower secondary and tertiary branches in the tree, only, to leave the lowest foliage at a height of 5 m above ground level. The thinning of the tree in the manner proposed is acceptable and would not be damaging to visual amenity.

Such works would allow more light to the flats in the building, whilst preserving the amenity value of the tree. On the basis of the above, if restricted by a condition of consent if granted, the application is acceptable.

RECOMMENDATION

Grant consent, subject to:

1. Restrict tree works to those specified in this report, unless otherwise agreed in writing with the LPA

Informatives

IN14 H – works to BS 3998 (2010) Recommendations for Tree Works
IN14 M – Restrict works
IN14 O – Disposal of Waste

REASON FOR THE RECOMMENDATION: N/A

IS THE RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION: Y/N

DELEGATED

Case Officer sign.....Date: 16th February 2011.....

Authorising Officer sign.....Date...28·2·11.....