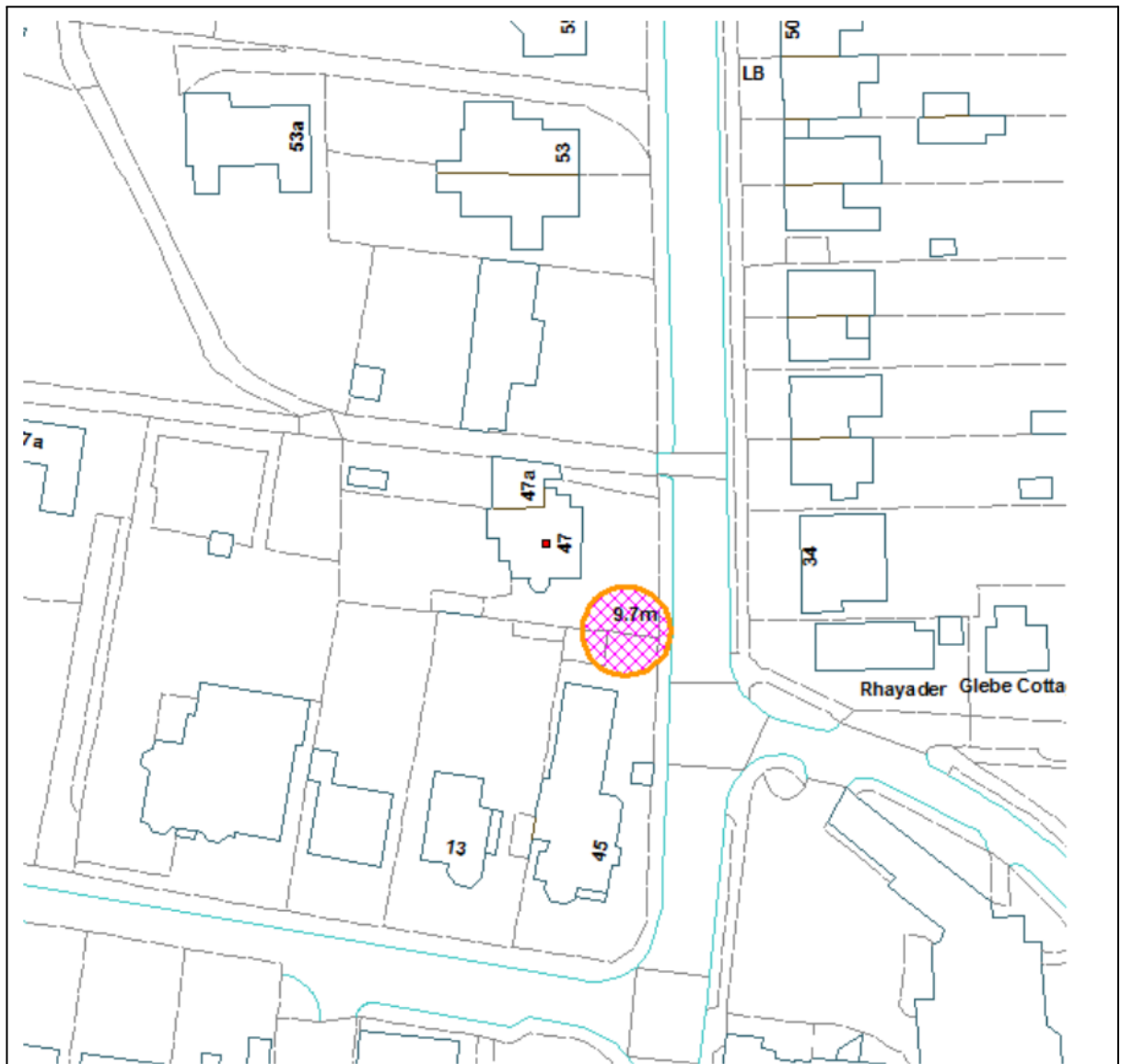


Application Number:	TPO 2 of 2023	Recommendation - Confirm.
Site:	47 Southwick Street	
Proposal:	Confirmation of Tree Preservation Order 2 of 2023	
		Ward:Southwick Green
Case Officer:	Jeremy Sergeant	



Not to Scale

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Proposal, Site and Surroundings

The Tree Preservation Order (“TPO”) which refers to two large mature Holm Oak trees on the southern side of the front garden of 47 Southwick Street was made on the 22nd August 2023. The trees are a prominent part of the street scene and make a significant contribution to the character and visual amenities of the Southwick Conservation Area.

Relevant Planning History

1976: The Southwick Conservation Area was first designated in June 1976.

2015: Section 211 Notice under the Town and Country Planning Act 1990 to reduce radial spread by up to 2 metres, and to crown lift up to 4 metres two Holm Oak trees in the Southwick Conservation Area.

2017: Section 211 Notice under the Town and Country Planning Act 1990 to crown lift up to 4 metres one Holm Oak T4, Crown lift up to 4 metres and reduce radial spread by up to 2 to 3 metres, one Holm Oak T5, and to fell four trees: Holm Oak T3, Oak T6, and Leylandii T1 and T2, in the Southwick Conservation Area.

2018: Section 211 Notice under the Town and Country Planning Act 1990 to crown lift up to 5.5 metres one Holm tree in the Southwick Conservation Area.

2023: Section 211 Notice under the Town and Country Planning Act 1990 to fell and replace three Holm Oak trees and one Bay tree in the Southwick Conservation Area.

Consultations: None

Representations

A total of six representations were received with two in support and four objections.

Those in support of the TPO state that:

- The trees have a significant visual amenity that contributes to the character of the Conservation Area.
- They provide habitat and support for wildlife.
- That the trees if preserved can still be reduced or have other works similar to those carried out to Holm Oak trees at 49 Southwick Street.

The letters of objection state:

- That the trees have grown too big for their location.
- That the trees, due to their size are causing the property to become damp.

- That the tree T1 has fruiting bodies within and above a cavity near the base of the tree, and is therefore dangerous.
- Excessive shading to the building and front garden, and leaf fall.
- That tree T1 over hangs the pavement and carriageway of Southwick Street.
- Additionally all of the objections had also suggested that if the trees are not removed, then consent should be given to have them reduced.

Relevant Planning Policies and Guidance

Adur Core Strategy (2011).

National Planning Policy Framework (NPPF).

The law on Tree Preservation Orders is contained within **Part VIII of the Town and Country Planning Act 1990** as amended and in the **Town and Country Planning (Tree Preservation) (England) Regulations 2012** which came into force on 6 April 2012. Section 192 of the Planning Act 2008 made further amendments to the 1990 Act which allowed for the transfer of provisions from within existing Tree Preservation Orders to regulations. Part 6 of the Localism Act 2011 amended s210 of the Town and Country Planning Act 1990 concerning time limits for proceedings in regard to non-compliance with Tree Preservation Order regulations.

Local Planning Authorities (“LPA’s”) may make a TPO if it appears to them to be: *'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'*. Following consultation, an LPA can confirm a TPO either without modification or with modification. An LPA may also decide not to confirm a TPO.

Tree Preservation Orders and trees in conservation areas guidance was published by the Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities and Local Government in March 2014 and explains the legislation governing Tree Preservation Orders and tree protection in conservation areas.

Planning Assessment

The trees are two large mature Holm Oaks growing along the southern boundaries of the property adjacent to the public footpath of Southwick Street and the rear garden of 45 Southwick Street. The trees are prominent to the area, and can be seen from many views. The trees are:

Holm Oak T1

This is the tree closest to Southwick Street, near the southeast corner of the front garden of 47 Southwick Street. The tree is single stemmed to 2 metres where it then divides into two. The east stem is upright and divides again at 4 metres, into an array of long slender stems that form the eastern side of the main crown. The stem to the

west angles outward to the southeast, and supports leaning slender stems that become more dense at the ends of the limbs. The tree has no central leader, with a broadly domed shape to the crown that intertwines with the Holm Oak tree T2.

Holm Oak T2

The Holm Oak T2 is growing in close proximity to T1 being further west along the border with 45 Southwick Street. The tree is single stemmed to 2 metres, with multiple stems from this point. The main crown has numerous upright slender stems that have foliage deep into the crown. The eastside of the tree has minimal foliage, with the Holm Oak T1 providing the leaf cover. Due to the upright habit of this tree it is considered that there is an important cohesion between the two trees that have a shared crown.

When considering whether trees should be protected by an Order, Government Guidance suggests that authorities should assess the amenity value of trees in a structured and consistent way, taking into account the following criteria:

Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- *size and form;*
- *future potential as an amenity;*
- *rarity, cultural or historic value;*
- *contribution to, and relationship with, the landscape; and*
- *contribution to the character or appearance of a conservation area.*

Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

In this case it is considered that the trees are worthy of protection.

The objections are noted carefully and the main points are considered as follows:

1. *The trees have grown too big for their location, and due to their size are causing the property to become damp, excessive shading and leaf fall, and obstruction to the public pavement and carriageway.*

All of these concerns can be reduced or alleviated by selective pruning, crown thinning and/or reduction. A Tree Preservation Order will not prevent works from being carried out, but instead ensure that the works are appropriate and not damaging to the trees. Consent has recently been given to reduce crown height and radial spread by up to 3 metres, two Holm Oak at 49 Southwick Street, and the felling of a third Holm Oak tree, on the Eastern boundary of number 47 was also approved.

2. *That the tree T1 has fruiting bodies within and above a cavity near the base of the tree, and is therefore dangerous.*

This was mentioned when the original application AWDM/0623/23 was made, and visual inspections did not reveal any active decay and no fruiting bodies were visible. However it is common for trees of a similar age and stature to have many cavities and areas of, usually secondary decay. This is expected in a very old or veteran tree, and does not necessarily equate to any serious danger. As with all trees their condition, and safety should be monitored, if there were a particular concern, reduction or other works to the tree would be considered, rather than felling.

Recommendation

That Adur Tree Preservation Order Number 2 of 2023 be confirmed without modification.



Holm Oak trees T1 and T2 from Southeast



Holm Oak trees T1 and T2 bases