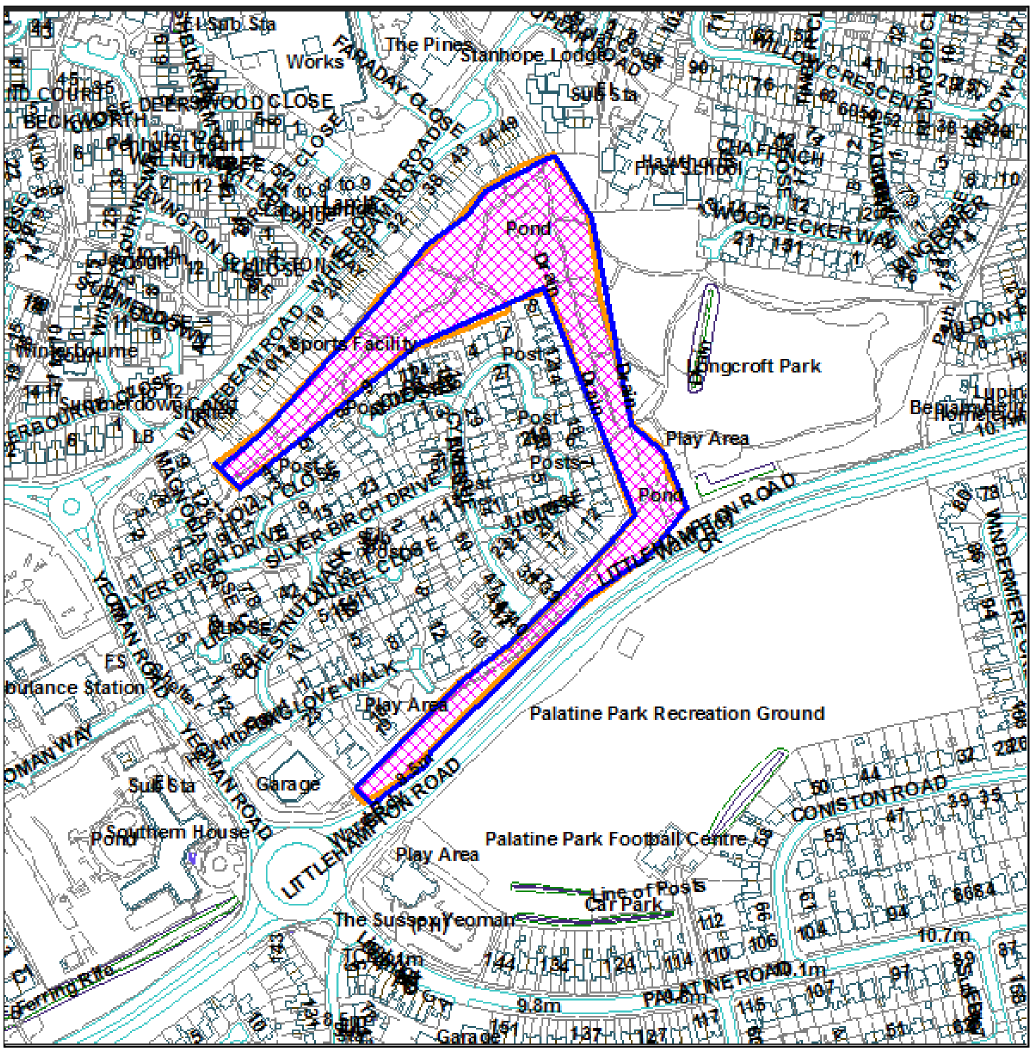
Agenda Item 8

Application Number: TPO 4 of 2021 **Recommendation – CONFIRM ORDER**

Site: **Whitebeam Woods Whitebeam Road Worthing**

Proposal: **Confirmation of Tree Preservation Order 4 of 2021**

Applicant:	Worthing Borough Council	Ward:	Northbrook
Case Officer:	Jeremy Sergeant		



Not to Scale

Proposal, Site and Surroundings

On the 13th May 2021 a provisional Tree Preservation Order was placed on the woodland of the public open space known as Whitebeam Woods, that is adjacent to address in Whitebeam Road Magnolia Close Silver Birch Drive Holly Close Alder Close Cypress Avenue Juniper Close and Foxglove Walk Worthing.

The order refers to woodland within the open space and has been made as Worthing Parks department has had previous problems with unauthorised works and have further concerns that works might be carried out by owners of the adjacent properties or their agents or tradesmen. The woodland is a feature of the area, and is considered important to the visual amenity and character of the area that it is maintained appropriately.

Relevant Planning History

None

Consultations

None

Representations

2 objections have been received to the confirmation of the Order on the following grounds:

- Worthing Borough Council has not carried out maintenance or inspections, and that a Tree Preservation Order would affect this.
- the Woodland to the rear of Juniper Close does not have “public views”

Claim that the reference to the Woodland “enhancing wildlife” is not a valid reason for a TPO.

- TPO cannot be enforced as government guidance states that “The LPA consent is not required for cutting down or carrying out works on trees so far as may be necessary to prevent or abate a nuisance”
- Claim that the confirmation of this TPO would result in the need for additional resources and expenditure for Worthing Borough Council.
- Claims that the trees cause shade that affects the health of residents and that there is an issue of right to light.
- Reception of Internet and mobile phone signals - Claim that the trees affect the receiving of internet and mobile phone connections.

- The representation makes the claim that residents of Juniper Close have been carrying out works to the trees and that they can be considered as under good arboricultural maintenance.

1 representation of support has been received.

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011)

National Planning Policy Framework

Circular 04/07 'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

Planning Assessment

Your officers consider that the main reason for protecting this Woodland is that it is an established feature of the area, and that any inappropriate works would be detrimental to its character and the visual amenities of the street scene. The Woodland consists of many large mature trees in a dense natural wooded area that is not often seen in intensely built up areas. As the proposed TPO is for a woodland area, it is the collective group of trees that forms its amenity value rather than individual trees.

The Tree Prevention Order is considered necessary to ensure that any future works can be controlled by the Local Planning Authority. This is not always possible with trees that are in a public open space, as neighbours can cut back to their boundaries and carry out other works from their own land. The entire Whitebeam Woods is visible from public views as it is a Public Open space, be that view from intended paths or walkways or from any other accessible area. In addition the pavement and carriageway of Juniper Close are Public areas.

In respect of the representations received, the representations refer to the maintenance of the trees, however as mentioned the confirming of a TPO does not prevent maintenance works from being carried out, but instead requires an application to ensure they are properly undertaken.

It is not considered that there are any extra resource implications as a result of the serving of the Order given that the trees are owned by the Council.

In respect of any nuisance caused by the trees, given that some of the trees are well in excess of 50 years old a continuous receiving of light for more than 20 years is unlikely. However to alleviate light issues there are several different types of works that can be carried out, and this would be considered as part of any future application.

It is considered that the serving of the TPO will allow appropriate control of the future maintenance of the trees to be exercised and accordingly in the interests of local amenity it is recommended that the TPO is confirmed.

Recommendation

That Worthing Tree Preservation Order Number 4 of 2021 be confirmed as made.