



**Improved Procedures to Ensure the Protection of Trees and Implementation of New Tree Planting on Brownfield Development Sites.**

**Report by the Director for Economy**

**1.0 Summary**

1.1 The attached report was requested by Executive Member for Regeneration, Cllr Neocleous, following the felling of conifer trees, during redevelopment of The Mannings, Surry Street, Shoreham. The report considers how the trees were felled after originally being shown to be retained and recommends improvements to current procedures. The Planning Committee is recommended to note the report and the improved procedures relating to validation and the use of a revised landscaping condition.

**2.0 Background**

2.1 Recent cases have identified that certain developments have been approved with various supporting images indicating the retention of existing trees and significant new planting only to find that such planting is not delivered when the development is implemented. The attached report highlights the issues at the Mannings but there are other examples for instance at Parcelforce where the credibility of the planning system is brought into dispute when Developers fail to implement the approved planting schemes.

2.2 The failure to implement approved planting schemes can often result in insufficient information at the planning application stage about services in and around the site. However, in some cases it is because computer generated images (CGI's) of schemes give unrealistic impressions of existing or proposed planting to 'sell' their schemes to the Planning Committee and the local community.

### 3.0 Proposals

- 3.1 To avoid some of the problems highlighted in the attached report the Committee is requested to note the two main changes set out below. Regarding the use of CGI's your Officers are now encouraging applicants to take off new planting so that the visual impact of development can be better appreciated and to avoid the situation where the optimum view of a development might be shown shrouded behind a tree.
- 3.2 The first change is the submission of additional information when planning applications are first made. The Council operates a Local List of validation requirements: [<https://www.adur-worthing.gov.uk/media/Media,99591,smxx.pdf>] which describes the range of information which may be required from applicants before a planning application can be accepted. The list can be amended to ensure that, in addressing foul and surface water drainage requirements or other underground services full regard should be given to existing and proposed planting to ensure no conflict exists.
- 3.3 The second change is the use of a revised landscaping condition requiring the *retention of trees* as proposed unless an application is subsequently made for their removal. The effect of this would be that felling could only be undertaken if an application is first submitted under that condition. Unlike The Mannings case, the description of an application made under such a condition would not be '*approval of landscaping details*' but for instance '*removal of trees originally indicated to be retained as part of a development.*'
- 3.4 This approach would have two effects. Firstly to compel developers to make the felling of trees explicit rather than implied in any subsequent condition discharge applications. Secondly, the description of the application within the Weekly List is more likely to be of interest to Councillors, who may then in turn seek further information and/or call the matter in for determination by the Planning Committee. This would require an amendment to the current Scheme of Delegation.
- 3.5 It should be borne in mind that such a planning condition could not be used to retain trees indefinitely. Once development has been completed the planning condition would require retention and replacement (if removed within 5 years) but beyond this the trees could be removed. Only the service of a Tree Preservation Order would provide ongoing protection (unless the site was in a Conservation Area\*)

#### **4.0 Recommendation**

- 4.1 The Planning Committee is requested to note the report and the proposed changes to procedures to ensure the retention of trees where applicable and to ensure that new planting proposed is delivered as envisaged.