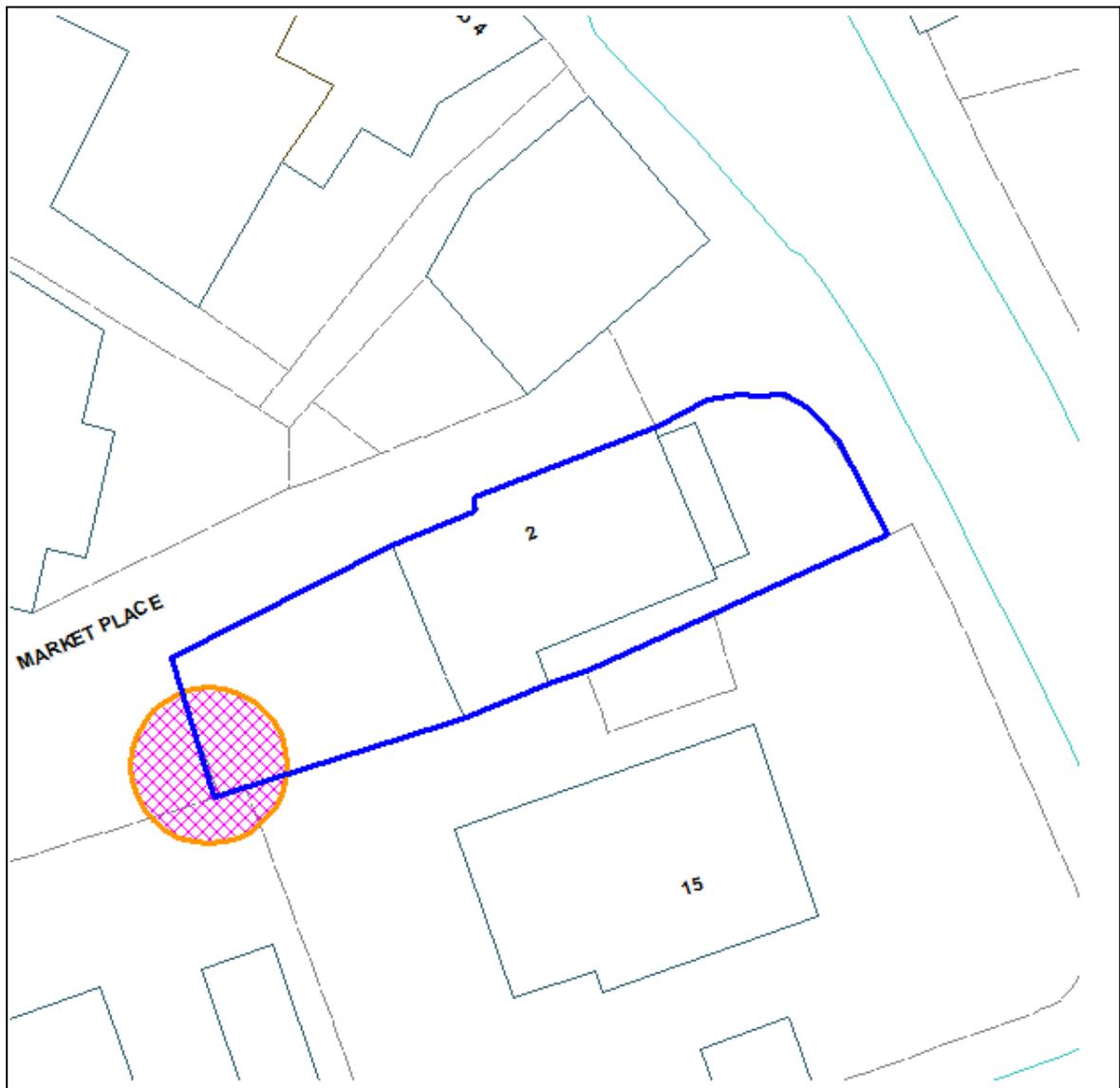


Application Number:	TPO 6 of 2022	Recommendation - Approve
Site:	2 Market Place Worthing BN14 7JP	
Proposal:	Confirmation of Tree Preservation Order 3 of 2022	
Applicant:	Worthing Borough Council	Ward: Tarring Ward
Agent:		
Case Officer:	Jeremy Sergeant	



Not to Scale

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Proposal, Site and Surroundings

On the 10th August 2022 a Tree Preservation Order (“TPO”) was made on two trees, one Oak and one Acer (Maple), in the rear garden of 2 Market Place Tarring Worthing. The order was made following a section 211 Town and Country Planning Act 1990 application (trees in a Conservation Area) to fell and replace three trees in the rear garden of the property. So as to retain the trees and have further control over any works that may be requested in the future the TPO was served.

Relevant Planning History

2022: AWDM/1064/22 - Section 211 Notice under the Town and Country Planning Act 1990 to fell and replace one Silver Birch T1, one Maple tree T2 and one Oak T3 in the West Tarring Conservation Area. Consent was given for the felling and replacement of the Silver Birch tree on 15/08/2022

Consultations

None received.

Representations

Four representations have been received, two in support of the proposed TPO and two in objection.

The letters of support suggest that the trees are a benefit to the local amenity of the area and to its wildlife, and as mature trees they cannot easily be replaced, with new trees taking many years to achieve the same stature.

There have been two objections to the TPO: one from the owners that state that they are prepared to retain the trees, but object to their being protected by a Tree Preservation Order. The owners in their letter acknowledge that as the property is within the West Tarring Conservation Area, any works to the trees will require Local Planning Authority consent, but object to them being given protection by a TPO status. As prior consent would be required either way there is no additional burden or complication for the tree owners.

The other objection from a nearby neighbour, claims that:

- the trees are too big for their location,
- that their roots could affect the nearby properties,
- the trees create light issues for both 2 Market Place and the adjacent property of 15 South Street.
- The trees have been allowed to grow without any maintenance, which has led to some branches being very close to the buildings.
- Additionally the comments are that only the Oak tree should be retained.

Relevant Planning Policies and Guidance

Worthing Core Strategy (2011).

National Planning Policy Framework (NPPF).

The law on Tree Preservation Orders is in 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 section 210 of the Town and Country Planning Act 1990 concerning time limits for proceedings in regard to non-compliance with Tree Preservation Order regulations.

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

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 visually prominent and contribute to the wider townscape and character of the Conservation Area. The trees are medium to large (early) mature Oak and a Maple tree growing in the rear garden. The trees are described as:

Oak T1

This tree is located nearest to the southwest corner of the rear garden. The tree has a single stem to 2.5 metres, where a large secondary stem emerges, that angles outward to the east. The central stem persists to 5 metres, where it then divides into two: a stem to the Southeast, the other remaining upright and mostly persisting to within 1 to 2 metres of the top. The main crown is dense and wide spread with some slightly over extended laterals.

Maple T2

The Maple tree T2 is growing 2 metres north of the Oak tree, adjacent to the western boundary wall, which it overhangs into the shared shingle covered parking area for 1 to 3 Market Place. The tree has a single stem to 2.5 metres, where it divides, with a strong “Y” union into two. The two secondary stems are both upright and each divides again from 6 metres. The first significant laterals emerge from 4 metres. The main crown is dense and wide spread.

The Tree Preservation Order is to ensure that the trees are retained and that any works can be controlled by the Local Planning Authority. In the interests of the local amenity. One of the objections is that there has been little maintenance to the trees, however a TPO does not prevent maintenance works from being carried out, this also applies to possible works to allow more light to pass around beneath or filter through the trees. Furthermore, there has been no evidence provided that the roots of either tree affect nearby properties. It is recommended that the TPO is confirmed, therefore, without any modifications.

Recommendation

That Worthing Tree Preservation Order Number 6 of 2022 be confirmed as made.



AWDM 1064-22 2 Market PI Tarring Oak T1 & Maple T2 from Priory Cl



AWDM 1064-22 2 Market PI Tarring Oak T1 & Maple T2 from South Street



AWDM 1064-22 2 Market PI Tarring Oak T1 & Maple T2 lower crowns (and Silver Birch not on TPO)