

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area

REF NO: **AW/243/12/TC**

LOCATION: Saffron Lodge
 46 Kingsway
 Craigweil Aldwick

PROPOSAL: Removal of 1 no. Eucalyptus Dalrympliana tree & pollarding by approx 50cm to various trees to the front and rear of the property (excluding the 2 no. Silver Birch trees) within the Craigweil House Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Rear boundary has close boarded fencing + tree screening, east side boundary has shrubs/hedging, west side boundary close boarded fencing + hedging.
SITE CHARACTERISTICS	Detached single storey property with double garage, conservatory on rear. Summer house in rear garden. The property has red brickwork, white window frames with a brown tiled roof.
CHARACTER OF LOCALITY	Within the Craigweil House Conservation Area. Private residential estate comprising detached properties of various styles and designs.

RELEVANT SITE HISTORY

AW/165/09/TC	Removal of 3-8ft of new growth of 1x Eucalyptus Glaucescens retaining the 'Pollarded' effect (Within the Craigweil House Conservation Area)	No Objection 23-10-2009
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REPRESENTATIONS

Representations received:

Aldwick Parish Council

No objection

Members agreed that the Arun Arboriculturist is consulted regarding the application and that his professional recommendations/decision is applied.

1 Letter of Objection

The WSWP object on the basis of no tree surgery unless dead or dangerous.

Comments on Representations received:

Noted

See Arboriculturist's recommendation.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Conservation Area Advisory Committee

No objection.

Council's Arboriculturist

I have inspected the trees and raise no objection to the surgery and felling as the Eucalyptus tree is hidden behind the property and is not worthy of a Tree Preservation Order.

Comments on Consultation responses:

Arboriculturist's comments noted.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Tree Preservation Order 2/58

Within the Craigweil House Conservation Area

Article 4 Direction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [AREA2](#) Conservation Areas

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1 Circular 36/78

XXX2 DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

The above policies are general and, other than Circular 36/78 and DETR TPOs, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 211(1) of the Town and Country Planning Act 1990 states:-

'Subject to the provision of this section and Section 212, any person who, in relation to a tree to which this section applies, does any act which might by virtue of Section 198(3)(a) be prohibited by a Tree Preservation Order shall be guilty of an offence.'

It is a defence to have provided notification to the Local Planning Authority 6 weeks in advance of any works. This is to enable the Local Planning Authority time to consider making a Tree Preservation Order.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The notification seeks to remove a Eucalyptus tree that is sited in the rear garden adjacent to the conservatory and carry out surgery to various trees that are sited in the front and rear garden.

The tree species are varied and have been chosen for their foliage colour and character but as the front and rear gardens are small the trees require regular pruning to avoid overcrowding. The Eucalyptus is to be removed in order to minimise future risk to the building and the rest of the trees are to be pollarded.

The Council's Arboriculturist has inspected the trees and has raised no objection to the felling of the Eucalyptus and surgery to the remaining species. It is not considered that the loss of the Eucalyptus tree would harm the character or appearance of the Conservation Area.

It is therefore recommended that no objection be raised or Tree Preservation Order be made.

RECOMMENDATION

NO OBJECTION

- 1 **INFORMATIVE:** The applicant should note that under Part 1 of the Wildlife and Countryside Act 1981, with only a few exceptions, it is an offence for any person to intentionally take, damage or destroy the nest of any wild birds while the nest is in use or being built. Birds nest between March and September and therefore removal of dense bushes, ivy or trees or parts of trees etc. during this period could lead to an offence under the act.
- 2 **INFORMATIVE:** This notice does not give authority to destroy or damage a bat roost or disturb a bat. Bat species are protected under Section 39 of the 1994 Conservation (Natural Habitats etc) Regulations (as amended), the 1981 Wildlife and Countryside Act (as amended) and the 2000 Countryside and Rights of Way Act. It is illegal to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you are aware that bats roost in a tree(s) for which work is planned, you should take further advice from Natural England (via the Bat Conservation Trust on 0845 1300228) or an ecological consultant before you start. If bats are discovered during the work, you must stop immediately and contact Natural England before continuing.