

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

REF NO: **AW/308/13/TC**

LOCATION: 57 Kingsway
 Craigweil
 Bognor Regis

PROPOSAL: Fell 1 No. Golden Leylandii & 1 No. Leylandii tree within the Craigweil House
 Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The trees in question are situated to the front of the property along the southern boundary of the site.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat
TREES	The trees that form the subject of this application.
BOUNDARY TREATMENT	A brick wall to front measuring approximately one metre in height with hedging and trees along the southern boundary.
SITE CHARACTERISTICS	A two storey detached property with brown brick elevations and plain brown roof tiles. The southern boundary is marked by trees and dense hedging.
CHARACTER OF LOCALITY	Situated within a Private Estate within a Conservation Area, the area is wholly residential in character. There are mainly two storey detached properties set within spacious plots.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Awaited.

Two letters of objection.

Work on the mature trees will incorporate the removal of other mature Leylandii trees.

The tree/shrub line forms an important backdrop to buildings and appearance in the vicinity.

The removal of these trees will destroy the established character of the area.

The application must be considered along with planning application reference AW/284/13/T as they are both located at the same address.

Due regard must be given to appeal decisions at 22 The Drive (AW/91/13) and 38 Kingsway (AW/150/13) where the Inspectors regarded the trees on site worthy of consideration and that special attention be paid to protecting the Craigweil House Conservation Area.

Please see comments on application AW/284/13/T which appears to cover one of the same trees: the Golden Leylandii is a prominent tree and key to the character of the Conservation

Area. It is an amenity tree and should be preserved.

Craigweil House and its Environs Conservation Area Association (CHECAA)

Application AW/284/13/T requests consent to fell a Golden Leylandii which is the same tree as in this application. Since this application has been recently approved, it makes this application redundant. CHECAA considers that the Golden Leylandii tree is of significant public amenity value and an asset to the Conservation Area and should be retained.

Comments on Representations received:

Comments from letters of objection are noted.

The works applied for only relate to the subject trees and there can be no assumption that other trees will be affected. Application reference AW/284/13/T is duly acknowledged as being a live application on the same site but this does not affect the outcome of this application as it has been submitted and considered separately and relates to different trees. The Golden Leylandii tree that is the subject of AW/284/13/T is not the same tree as in this application. Each application submitted is based on its own merits. The two subject trees are not considered of significant visual significance to be worthy of a Tree Preservation Order for reasons set out in the Conclusions section of this report.

Comments from Craigweil House and its Environs Conservation Area Association (CHECAA) are noted.

The Golden Leylandii tree that is included within application AW/284/13/T is a different tree to the one that is included in this application. Comments regarding public amenity value of the trees are in the Conclusions section of this report.

CONSULTATIONS

Council's Arboriculturist
Conservation Officer

Consultations responses received:

Council's Arboriculturist
No objection.

Both of these trees are crowding out others due to their more vigorous growth habit. Neither tree has any real amenity value or merit in the landscape and will not make good trees for the future and will spoil others that do have this potential.

Conservation Area Advisory Committee
No objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1

Circular 36/78

XXX2

DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

TREES

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

This application considers the felling of two trees along the southern boundary of the site. These trees are a Golden Leylandii and a Leylandii tree. The reason for the works according to the applicant is that both have grown excessively and are causing crowding and shading.

The two Leylandii trees are established within a dense and relatively high hedge and as such do not stand alone within the street scene. They are not considered to be of a height or prominence to make a significant visual contribution to the character and appearance of the street scene or the Conservation Area. Consequently, they are not considered worthy of a Tree Preservation Order. The Council's arboriculturalist has no objection to the proposed works as it has been considered that they will not make good trees for the future and will spoil others that do have this potential.

It is therefore recommended that the works should proceed as per the notification.

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.