

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: **AW/89/10/TC**

LOCATION: 34 Kingsway
 Aldwick

PROPOSAL: Fell 1 No Eucalyptus tree

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	One Eucalyptus tree
BOUNDARY TREATMENT	Open to highway.
SITE CHARACTERISTICS	The Eucalyptus tree subject is located on a grass verge adjacent to the highway on 'Kingsway'.
CHARACTER OF LOCALITY	The site is located on a private residential road of predominantly two storey dwellings of a traditional style.

RELEVANT SITE HISTORY

AW/71/88/T	Fell one Oak Tree	Approve Cond 18-04-1988
AW/160/91/T		Approve Cond 04-11-1991
BR/976/83/T	Application to prune one Maple tree	Withdrawn 22-02-1984
BR/908/84/T	Fell one Pawlownia tree	Approve Cond 14-11-1984

REPRESENTATIONS

Representations received:

Aldwick Parish Council
No Objection.

Members agreed by 4 votes in favour with 1 vote against to support this application. Members noted the tree had been planted after the property was built and therefore planted in an unsuitable place. The Eucalyptus tree has deep roots and should never have been planted above a main drainage system.

Comments on Representations received:

Two letters of Objection:

- There is no arboricultural reason for felling the tree, and no report has been submitted with the application.
- The tree is magnificent and unique within the Conservation Area
- The tree is of great significant amenity value, in a prominent position.
- The tree is old enough to be covered by TPO BR/2/58.
- There are no details of how the tree is affecting the drainage system.
- If a new system is laid, precautions should be taken to protect the tree.
- No felling unless dead or dangerous

One letter of support, advising that the foul drain is located 1.25 metres below the surface of the verge. A CCTV scan has revealed that the tree roots are blocking the drain. 2 blockages have already occurred this calendar year. The drain is so badly damaged it must be dug up and replaced. The Eucalyptus tree is not a native tree and is still young.

CONSULTATIONS

Conservation Officer

Tree Officer

Conservation Area Advisory Com

Consultations responses received:

District Arboriculturist:

The applicants reason for felling has not been substantiated; on that basis of understanding I would recommend that application be refused. However, the tree is not old enough to be included within the 1958 area Tree Preservation Order. Structurally the verge tree is poor, unsafe and inappropriate so would not recommend a new Tree Preservation Order be placed on it.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area

Within the Craigweil House Conservation Area

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:

[GEN2](#)
[GEN28](#)
[GEN7](#)
[AREA2](#)

Built-up Area Boundary
Trees and Woodlands
The Form of New Development
Conservation Areas

PLANNING POLICY GUIDANCE

PPS1

Delivering Sustainable Development

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

This application seeks permission to fell a Eucalyptus tree at 34 Kingsway, within the Craigweil House Conservation Area. The application was originally made on the basis that the tree was covered by the 1958 Area Tree Preservation Order. However the District Arboriculturist inspected the tree and has advised that it is in fact not of an age to be covered by that Order, and accordingly the application has been amended and is now a notification of works to a tree within a Conservation Area.

It is understood that the application has been sought due to damage to the foul drain caused by the roots of the tree.

The tree is located on a grass verge adjacent to the highway. Whilst the tree is visible from the street scene, it is not considered to be of high amenity value; the tree is not a mature specimen, neither is it an indigenous species. Furthermore, there are several other trees within the vicinity, and as such it is not considered that the felling of the tree would result in any serious detriment to the visual amenities of the locality, or the character and appearance of the Conservation Area.

The District Arboriculturist has been consulted and has advised that structurally the verge tree is poor, unsafe and inappropriate so would not recommend a new Tree Preservation Order be placed on it.

It is therefore recommended that no objection be raised to the felling of the tree, 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.