

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** **WA/40/13/TC****LOCATION:** The Dower House
 Church Lane
 Walberton**PROPOSAL:** Fell a Eucalyptus Tree - Within the Walberton Village & Walberton Green
Conservation Areas**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	The site itself is predominantly flat. It is raised slightly above the level of land to the south and west.
TREES	There are a number of mature trees within the well landscaped site.
BOUNDARY TREATMENT	Mixture of walling, fencing and hedging of varying height.
SITE CHARACTERISTICS	The site is occupied by a two-storey Grade II Listed dwelling. A number of extensions have been made to the original building. There is a group of outbuildings to the west of the main dwelling.
CHARACTER OF LOCALITY	The site is located outside of the built-up area and within a designated Conservation Area. It is positioned towards the end of a rural lane which is bordered by walls and mature hedging and trees. A public footpath passes to the south.

RELEVANT SITE HISTORY

WA/88/02/TC	Fell one Eucalyptus tree within the Walberton Conservation Area	No Objection 10-02-2003
WA/86/04/TC	Reduce one Beech tree by 15-20%. Surgery to one Eucalyptus and two Lime trees, (Within the Walberton Conservation Area)	No Objection 06-12-2004
WA/98/07/TC	Fell one Robinia, Eucalyptus (parking area), Ash and White Poplar and reduce crown of Eucalyptus (by house) and Lombardy trees within the Walberton Village Conservation Area.	No Objection 04-01-2008

REPRESENTATIONS

Representations received:

None.

One letter of objection: No felling unless dead or dangerous.

Comments on Representations received:

Noted. The tree is not considered to possess sufficient amenity or habitat value to warrant its retention.

CONSULTATIONS

Council's Arboriculturist

Conservation Officer

Consultations responses received:

The area surrounding Dower House is not devoid of trees. The Eucalyptus has been described as causing a nuisance. Considering its close proximity and regular need for pruning I do not regard the tree as important to warrant its preservation with a TPO.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Within 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

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 eucalyptus tree is fairly sizeable but of no particular visual significance given its positioning towards the interior of the site and the screening offered by larger surrounding trees. It is also noted the tree is growing close to the Grade II Listed Building that occupies the site and it is therefore considered that regular maintenance is required in order to prevent it from impinging on the building and leading to potential damage.

It is therefore considered that the tree does not possess sufficient amenity value to warrant the serving of a Tree Preservation Order and that no objections should be raised against the proposed works.

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.