



**No.111a FOXLEY LANE,  
PURLEY, SURREY, CR8 3HQ  
PRELIMINARY ECOLOGICAL APPRAISAL (PEA)  
& ARBORICULTURAL ASSESSMENT REPORT**



**October 2021**

**Barbarella Studio**

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## 1. INTRODUCTION

- 1.1 Barbarella Studio was commissioned The Ash Partnership UK Ltd. to provide a combined preliminary ecological appraisal (PEA) and arboricultural assessment of No.111a Foxley Lane in Purley, Surrey, CR8 3HQ, hereafter referred to as the 'Site'.
- 1.2 This Site consists of a single residential house set within a hardstanding area, with flowerbeds to the front and an extensive rear garden, as shown on *Existing Site Plan* Dwg. 4. The rear garden is mostly composed of mown lawn but has a former outdoor swimming pool and an area of fruit trees to the south.
- 1.3 It is proposed to extend the existing house and sub-divide it into two residential units, and to install two new bungalows at the southern end of the Site, to accessed via a pedestrian access along the western boundary, see *Site Plan: Existing & Proposed* Dwg. 01 dated 10th August 2022, see Appendix 1. Associated architectural drawings are as follows:
- *Proposed Main House Plans* Dwg. 04 dated 10<sup>th</sup> October 2022
  - *Proposed Main House Elevations* Dwg. 04 dated 10<sup>th</sup> October 2022
  - *Proposed Bungalow Plan, Elevations and Section* Dwg. 05 dated 10<sup>th</sup> October 2022 .
  - *Proposed Site Plan, Section & Street Elevations* Dwg. 02 dated 10<sup>th</sup> October 2022
- 1.4 This Report establishes the combined ecological and arboricultural baselines for the Site, identifies where adverse impacts on these interests may occur and where compensatory mitigation and enhancement measures be required. It also addresses the need for biodiversity gain to offset impacts from the proposed development.

## 2. METHODOLOGIES

### Ecology

#### Extended Phase I Habitat Survey

- 2.1 The Site was surveyed on 16<sup>th</sup> August 2022 in accordance with the *Handbook for Phase I Habitat Survey – A Technique for Environmental Audit* (JNCC, 2003).
- 2.2 Wherever possible each change in vegetation type was plotted, or otherwise the boundary of the vegetation type was established using logical features such as field margins, roads or watercourses. If relevant, semi-improved or unimproved habitats would also be considered in relation to the National Vegetation Classification (or NVC) system based upon Rodwell (1991 *et seq.*).
- 2.3 In addition, species recognised as Ancient Woodland Vascular Plants (AWVPs) in South-East England were highlighted, based upon the list compiled by Rose (1999) and consideration of Hornby & Rose (1986).
- 2.4 **Plant Species** – The survey concentrated on macrophytes, with only incidental records being made of bryophytes. The abundance of each species was recorded using the DOMIN Scale, i.e. **D**ominant, **A**bundant, **F**requent, **O**ccasional and **R**are. Where species are localised or patch-forming, the additional term **L**ocal was also applied.
- 2.5 All species were identified using Stace (2019) while their nomenclature and local status was assessed using *The Flora of Berkshire* (Crawley, 2005).
- 2.6 Certain species were grouped together and the actual species richness therefore slightly under-estimated, while assumptions were also made concerning other species. Those dealt with in this fashion are as follows:
- Dandelion *Taraxacum officinale* agg., Mouse-ear *Cerastium fontanum* agg., *Polygonum aviculare* agg., Fat-hen *Chenopodium album* agg., Bramble *Rubus fruticosus* agg. and Dog Rose *Rosa canina* agg. – No attempt was made to identify separate any species within these species aggregates.
  - Willow/sallows *Salix* sp(p). – This is such a complex hybridising genus that little attempt has been made to separate other than the most obvious species.

#### Protected Species Surveys

- 2.7 The Site was also assessed on 16<sup>th</sup> August 2022 for its potential to contain protected and/or nationally uncommon species. In particular, attention was given to the more likely species to occur such as Badger *Meles meles*, Hazel Dormouse *Muscardinus avellanarius*, bats, reptiles, Great Crested Newt *Triturus cristatus* and breeding birds.
- 2.8 **Badger** – The Site and its immediate surroundings were surveyed for mammal holes and tracks, lifted fence wire and evidence of Badger foraging. A wide range of Badger evidence can be assessed and this includes their characteristically-shaped holes and associated spoil heaps, hairs, footprints, claw-marks, faeces (including latrine sites), unrooted bulbs and wasp nests, scratches on tree trunks and snuffle holes.

- 2.9 **Roosting Bats** – The trees were appraised from the ground by eye and with binoculars and, where features of potential interest were identified, described based on *Bat Tree Habitat Key* (2018).

### **Arboriculture**

- 2.10 The Site was surveyed on 16<sup>th</sup> August 2022 in accordance with BS 5837: 2012 *Guide for Trees in Relation to Design, Demolition & Construction: Recommendations* (BSI Standards Limited, April 2012 - ISBN 978 0 580 69917 7). This gives guidance on the principles to be applied when considering structures in relation to trees, shrubs and hedges. The standard recognises the problems of development close to existing trees that are to be retained, and of planting trees close to existing/proposed structures. Where development is proposed the standard provides specific guidance for:
- Deciding which trees are appropriate for retention;
  - Deciding the means of tree protection during development work; and
  - Deciding the means of incorporating trees into the developed landscape.
- 2.11 A summary of the procedures required for this survey is provided below.
- 2.12 Land Survey – Each individual tree was located on a base plan and the trees identified to species level. Although the Standard advises that the survey should continue outside the Site boundary to place the Site in context, if relevant, this was not undertaken. Notes on the ground level spot heights were also taken.
- 2.13 Relevant Trees – Only trees in excess of 75mm stem diameter when measured at 1.5m above ground level are considered relevant using the Standard, unless small specimens are of particular interest or potential value.
- 2.14 Species Identification – All native tree and shrub species were identified in accordance with Stace (1997).
- 2.15 Tree Inventory - For each identified tree, the following additional attributes were also assessed:
- (a) Height – in metres;
  - (b) Stem Diameter – in millimetres at 1.5m above ground level, or immediately above the root flare for a multi-stemmed tree;
  - (c) Branch Spread – at the four cardinal points to represent the crown;
  - (d) Age Class – Based on Young, Middle-aged, Mature, Over-mature and Veteran;
  - (e) Physiological Conditions – Based on Good, Fair, Poor and Dead;
  - (f) Structural Conditions – Details as required;
  - (g) Management Recommendations – Details as required;



- (h) Estimated Remaining Contribution – in years;
- (i) Category Grading – Based upon **A**, **B**, **C** and **U** grades, see Table 1 in the British Standard, to be shown on a Tree Survey Plan.

### 3. ECOLOGY RESULTS

#### Nature Conservation Context

3.1 There are three statutorily protected sites of nature conservation interest around 2km radius of the Site, these being Local Nature Reserves (LNRs). The nearest Sites of Special Scientific Interest (SSSIs) are (i) *Riddlesdown* SSSI at 2.65km to the SE, (ii) *Farthing Downs & Happy Valley* SSSI at 3km to the south and (iii) *Banstead Downs* SSSI at 3.77km to the west.

3.2 The relevant LNRs are as follows:

- *Roundshaw Downs* LNR – Lying at 1.02km to the NE of the Site, this 19.61ha site consists of chalk grassland with scrub and woodland habitats.
- *Foxley Wood* LNR – Lying at 1.85km to the SE of the Site, this 11.36ha site consists of woodland and chalk grassland, along with a Badger population.
- *Ruffett & Big Woods* LNR – Lying at 2km to the SW of the Site, this 7.01ha site consists of Ancient and secondary woodland.

#### Ancient Woodland

3.3 There is only a single Ancient and Semi-Natural Woodland (ASNW) within a 2km radius of the Site – this being *Foxley Wood* which is also an LNR.

#### Extended Phase I Habitat Survey

##### Access & Weather Conditions

3.4 The Site was surveyed during warm and fine weather conditions. There was access to all parts of the Site.

3.5 Explanatory photographs are attached at the end of this Report.

##### Floristic Interest

3.6 Given that this Site consists of well-maintained urban gardens that are dominated by mown lawns and hardstanding this would not be regarded as a floristically species-rich site, therefore a floral audit was only undertaken for the extensive rear lawn, see Table 1.

##### Phase I Habitats

3.7 The Site contains four principal habitat types and these are listed below along with their JNCC (2003) habitat Codes, as shown on Figure 1:

- Scattered Mixed Trees [**A3.3**];
- Dense Scrub [**A2.1**];
- Amenity Grassland [**J1.2**]; and
- Standing Open Water [**G1**].

In addition, there were Conifer Plantation (Tree Screen) [A1.2.2], Arable (flowerbeds) [J1.1], Ornamental Shrubs [J1.4], Hardstanding [J5] and Buildings [J3.6], none of which would be regarded as having any floristic interest and are therefore not considered further.

- 3.8 **Mixed Trees** – There is a stand of Common Lime *Tilia x europaea* in the front garden along with other scattered trees, two large Purple Beech *Fagus sylvatica* ‘Purpurea’ along the eastern boundary of the rear garden and an orchard at the southern end of the Site that mostly consists of Fig *Ficus carina* and cultivated apple *Malus domestica*.
- 3.9 **Dense Scrub** – There is a stand of mature Ivy *Hedera helix* along the southern boundary.
- 3.10 **Amenity Grassland** – The lawns were all well-maintained and were in drought-stress at the time of the survey. Spring Turf-moss *Rhytidiadelphus squarrosus* is frequent and they appeared to contain negligible herb content and had no species associated with grasslands of long continuity other than localised Lady’s Bedstraw *Galium verum*, Mouse-ear Hawkweed *Pilosella officinarum* and Ox-eye *Leucanthemum vulgare*.
- 3.11 **Standing Open Water** – There is a large former swimming pool in the centre of the rear lawn that is surrounded by concrete and hardstanding. The open water has a fine-mesh cover (anchored to the sides with tension cables) that is mostly complete and is much-covered by fallen leaf debris.
- 3.12 There is fine silt on the pool bottom and frequent green filamentous alga throughout the water column. Small floating pockets of Common Duckweed *Lemna minor* provide the only associated aquatic plants.

## Protected Species Appraisals

### **Badger**

- 3.13 There is no evidence of this species (or Fox *Vulpes vulpes*) and therefore it is not considered further.

### **Roosting Bats**

- 3.14 There are a number of buildings (including the House, a concrete-rendered outbuilding and wooden sheds) and trees and these are considered further below. Explanatory photographs are attached at the rear of this Report.
- 3.15 **House** – The house is brick-built has a rendered upper floor fitted with wooden timbers:
- There are no obvious cracks, gaps, pipework or ventilators.
  - Tight-fitting concrete-tiled roof expanse, with clay ridge/hip tiles – with one missing on the SW hip-line (see photograph) that exposes the underlying concrete plug but no gaps are obvious.
  - There are four ventilator tiles along the ridge line which offer potential bat roosting access beneath the ridge tiles.

- There are no soffits and obvious visible gaps between the roof and headwall that offer potential bat roosting access.
- A single roof void accessed by a single loft hatch, extending approximately 30m long by 15m wide and 4m in height, there is an underlying bituminous roof membrane that extends over the ridge beam. Gaps are evident along the length of the eaves, see photographs.
- No live/dead bats, droppings or urine stains.

3.16 **Concrete-rendered Outbuilding** – This building has a wooden frame and the doorway is permanently open, with gaps along weatherboarding on the southern headwall. This building offers no thermal insulation and is well-illuminated internally.

3.17 **Wooden Sheds** – These are single-skinned sheds, with pitched bituminous roofing membrane, and glazed windows. They are locked, sealed and offer no potential for roosting bats.

3.18 **Trees** – Tree **T23** has lifted bark on its stem, and a broken stem at 6m height that has splits and lifted bark at the apex. This tree has limited potential for roosting bats, although all of these features are likely to be open to rain ingress and hence most likely of limited seasonal potential.

3.19 None of the remaining trees have any potential for roosting bats as they lack adherent ivy, cavities or splits.

#### **Reptiles**

3.20 There is no suitable habitat within these maintained gardens and therefore reptiles are not considered further.

#### **Amphibians**

3.21 The former swimming pool within the rear garden is effectively covered by a fine mesh pool cover, that in turn has been pushed down by leaf debris. The water level fluctuates and leaves this floating debris to dry at the survey. The underlying waterbody had a green filamentous alga bloom at the time of survey and otherwise lacks roosted aquatic vegetation and has a fine silt substrate. This waterbody is considered unsuitable for breeding GCN as adults cannot penetrate into the waterbody itself.

3.22 The Ordnance Survey does not show any waterbodies within a 500m radius of the Site, and therefore Great Crested Newt *Triturus cristatus* is not considered further.

#### **Breeding Birds**

3.23 The trees/tree groups were searched for bird nests from ground level, but none were identified. However, the dense boundaries hedgerows and ornamental shrub beds provide opportunities for breeding birds.

## 4. ARBORICULTURAL RESULTS

### Tree Preservation Orders

4.1 The front garden of the Site has a blanket TPO (No. 22 dated 1983), see Appendix 2. The Schedule and plan refer to the presence of seven trees (T1 to T7), which have the following current status since the 1983 designation:

- T1 – Horse Chestnut that had a bleeding canker and decay when examined in November 2010, which has now gone and only an old stump remains.
- T2 – Referred to as a Sycamore, this is actually a Horse Chestnut and is referred to as tree T25 in this Report.
- T3 – A Horse Chestnut that is no longer present, that may have been felled to accommodate the drive.
- T4 to T6 – A line of Common Lime that are referred to as trees T22 to T24 in this Report.
- T7 – a former Cedar in the rear garden that was no longer present in November 2010.

### Tree Resource

4.2 There are 26 individual trees (trees T1 to T26) of which two are located outside the Site boundary (trees T1 and T19) as located on Figure 2, and as described in the arboricultural schedule, see Table 2.

4.3 The majority of the tree resource consists of an orchard in the southern end of the rear garden, see trees T2 to T16.

### Category Status

4.4 The mature Bronze Beech along the eastern boundary (T17 and T18), and four TPO trees in the front garden (T22 to T25) are regarded as Category A trees – as they contribute to visual containment between the adjacent properties, while the latter trees add to the aesthetic value of the street scene.

4.5 Two other trees within the surrounding resource are regarded as Category B trees, these being mature trees that are of more limited value – a mature Silver Birch *Betula pendula* (T19) that lies within the adjacent rear garden of property No. 113 and Lawson's Cypress *Chamaecyparis lawsoniana* (T21) which is located too close to the house and will end up constrained by this building.

### Tree Health

4.6 Tree T23 has an extensive rot running through the length of the stem, with a shattered apex missing at 6m height, lifted bark on parts of the stem and an exposed rot hole

on the northern face. For these reasons a fungal canker is suspected and there it is recommended that the tree is monitored on a six monthly basis.

- 4.7 None of the remaining trees were assessed as having any significant structural constraints or to be suffering for any obvious signs of disease.

## 5. ECOLOGICAL EVALUATION & RECOMMENDATIONS

### Proposed Development

- 5.1 It is proposed to extend the existing house and sub-divide it into two residential units, and to install two new bungalows at the southern end of the Site, to accessed via a pedestrian access along the western boundary, see *Site Plan: Existing & Proposed* Dwg. 01 dated 10<sup>th</sup> October 2022, see Appendix 1.
- 5.2 The existing rear garden pool will be removed and the ground re-instated, along with the concrete-rendered outbuilding and the cluster of three sheds.

### Impact upon Nature Conservation Assets

- 5.3 The Site contains no semi-natural habitats of relevance, the vegetation consisting of tightly mown lawns, shrub-beds and flowerbeds and boundary hedgerows composed of Cherry Laurel *Prunus laurocerasus* and Leyland Cypress X *Chamaecyparis leylandii*. There are no habitats present that are remotely compatible with chalk grassland, calcareous scrub or Ancient Woodland as associated with the nearby LNRs or remote SSSIs.
- 5.4 All of the nature conservation assets lie in excess of 1km distant from the Site, with a dense network of intervening residential housing and roads providing clear separation. There is no hydrological connectivity or direct pedestrian routes, and therefore no direct or indirect adverse impacts upon these nature conservation assets are considered likely as a result of the Site redevelopment proposals.

### Impact upon Habitats

- 5.5 With the exception the mature broadleaf trees (**T1**, **T17** to **T19** and **T22** to **T25**), all of which will be retained and not significantly impacted by the proposed development, the remaining habitats would all be regarded as being of low ecological value as they common, widespread and easily re-creatable. Although most of these same habitats will be retained, any loss would be considered acceptable.

### Impact upon Protected Species

- 5.6 Potential impacts are considered in relation to bats and breeding birds and these are considered further below.

#### Roosting Bats

- 5.7 **All species of bat are protected in the UK on Schedule 5 of the Wildlife and Countryside Act, 1981 (as amended by the Countryside and Rights of Way Act, 2000), and on Schedule 2 of the Conservation (Natural Habitats &c.) Regulations, 1994. The latter further implements European legislation protecting bats. Bats are also protected from cruel ill-treatment by the Wild Mammals (Protection) Act, 1996.**

- 5.8 **Bats are highly protected species, the protection being conferred on a population and their roosting habitat. Live bats do not need to be present to confer protection on the roost habitat and confirmation of a bat roost can be made on the basis of relatively fresh droppings and/or combined with roost potential.**
- 5.9 There are Moderate Potential features of the building exterior that could allow bats to enter the House either (i) beneath the ridge tiles via the ventilator tiles or (ii) exploit the gap along the eaves. If the ventilator tiles do not have screens fitted, then bats could potentially access the space between the ridge tiles and the underlying roofing membrane. These would be suitable for external crevice-dwelling species such as pipistrelle.
- 5.10 Two surveys were therefore commissioned in accordance with BCT (2016) guidance, and the results are presented in the *Supplementary Bat Survey Report* (TAP, October 2022). These surveys did not identify any roosting activity associated with the House, but interestingly did identify potential Common Pipistrelle *Pipistrellus pipistrellus* roosting associated with the adjacent No.113 property.
- 5.11 For these reasons, no roosting habitat is associated with the Site and therefore no commensurate mitigation is required.

#### Commuting/Foraging Corridors

- 5.12 Given that a potential Common Pipistrelle roost is associated with the adjacent property No.113, it would be important to maintain any associated commuting/foraging corridors. The proposed development will retain nearly all of the same Site boundaries and peripheral trees and therefore no direct impact on nearby resident bat populations would be anticipated.
- 5.13 The only exception will be a length of the western boundary immediately south of the existing House where the new pedestrian access will be installed. As this boundary consists of Leyland Cypress with up to 160mm stems, maintained at approximately 5m height, it may not be possible to retain this boundary intact once the access width has been created. This is primarily because trimmed Leyland Cypress will not regenerate and they will not look attractive. It is therefore proposed to replace any missing boundary with a close board fence and replanting with native hedgerow trees/shrubs.

#### Lighting

- 5.14 The type of lighting deployed within the development, as well as its location and intensity, is of importance to bats. The type of lighting used is important as only those which emit ultraviolet (UV) radiation will attract insects. Metal halide and Mercury-vapour lamps emit high levels of UV and are therefore very attractive to insects, while low-pressure Sodium lamps emit negligible UV (mostly monochromatic orange light) and are therefore least attractive. High-pressure Sodium lamps include some Mercury-vapour and are therefore intermediate in attraction to insects (Kunz & Racey, 1998). The lighting scheme will therefore:
- i. Minimise lighting proposals by using low-intensity LED light bollards.
  - ii. Any security lighting to be sensor-activated and fitted with a downcaster to minimise the lamp source and the luminous intensity being viewed from the



horizontal. This form of lighting will minimise light spillage beyond the edge of the development.

- 5.15 The lighting scheme for this development will be based upon *Guidance Note 08/18: Bats and Artificial Lighting in the UK – Bats and the Built Environment Series* (Bat Conservation Trust, 2018). In line with this guidance, especially that within Step 3, the proposed lighting has the following key features to avoid disturbance to nearby commuting/foraging bats:
- Any light units to be low-level bollards with 140 degree cone downlighters, therefore resulting in minimal light spillage.
  - The lighting positions to be carefully selected so to avoid light spillage towards the surrounding trees.
  - To use LED lights lacking any significant UV component, i.e. 'warm-white' lighting with more yellow/orange colour spectra and reduced levels in the blue light spectrum.
  - Individual LED light rating to be 100 lumens.

### ***Potential Impact upon Breeding Birds***

- 5.16 **Breeding birds are protected under the Wildlife and Countryside Act 1981 and amendments, and in accordance with the CROW Act 2000. This legislation makes it necessary to ensure that breeding birds are not disturbed or harmed during the nesting season.**
- 5.17 Any vegetation clearance within the Site will need to ensure that breeding birds are not disturbed or harmed. Breeding/foraging birds will be anticipated during the breeding season that runs between mid-March and the end of August.
- 5.18 If this is not possible for any reason, then any scrub clearance must be undertaken under the supervision of a suitably qualified and experienced Ecologist, surveying for nesting behaviour prior to any clearance work. The clearance work would, however, be at risk as should breeding birds be noted, all work would need to halt until the breeding had been completed.

### **Biodiversity Gain**

- 5.19 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places a duty on all Local Planning Authorities (LPAs) to conserve biodiversity – including restoring and enhancing species, populations and habitats, as well as protecting them.
- 5.20 The recent National Planning Policy Framework (NPPF) of March 2012, Section 11, para. 109 also requires that *'the planning system should contribute to and enhance the natural and local environment by ... minimising impacts on biodiversity and providing net gains in biodiversity where possible ...'*. The NPPF sets out principles that the LPAs should seek to apply when determining planning applications to conserve and enhance biodiversity. These include (i) encouraging opportunities to

incorporate biodiversity in and around developments and (ii) refusing planning permission that would cause loss/deterioration of irreplaceable habitats unless '*... the need for, and the benefits of, the development in that location clearly outweigh the loss*' (see para. 118).

5.21 Para. 180 of the revised NPPF (July 2021) requires LPAs to apply the following four principles:

- **If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;**
- **Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.** The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- **Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;** and
- **Development whose primary objective is to conserve or enhance biodiversity should be supported;** while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

5.22 This development will not involve the first three principles and would support the fourth principle. Commensurate enhancements to the local biodiversity interest are shown on Figure 5 and will include:

- a) To plant new native hedgerows along the western boundary and along the garden boundaries between the four plots.
- b) Create Stag Beetle habitat in two corners of the Site – to include lengths of cut broadleaf wood set 30% into the ground, and over-planted with cultivated Apple.
- c) To install four external wall-mounting bat boxes.
- d) To install two Hedgerow gaps (150mm by 150mm) at the base of the boundaries to permit free movement by these mammals.
- e) Include a high percentage of nectar- and pollen-rich trees/shrubs/plants within the soft landscaping in order to support bees and butterflies.

## 6. ARBORICULTURAL EVALUATION & RECOMMENDATIONS

### Proposed Development

- 6.1 It is proposed to extend the existing house and sub-divide it into two residential units, and to install two new bungalows at the southern end of the Site, to accessed via a pedestrian access along the western boundary, see *Site Plan: Existing & Proposed Dwg. 01* dated 10<sup>th</sup> October 2022, see Appendix 1.
- 6.2 The existing rear garden pool will be removed and the ground re-instated, along with the concrete-rendered outbuilding and the cluster of three sheds.

### Impact upon TPO Trees

- 6.3 There will be no loss of TPO trees, the current status of the four remaining TPO trees remaining largely unchanged.
- 6.4 The current hardstanding in the front drive covers between 40% to 60% of the existing trees and, while minor changes to the layout of the car parking are proposed, all of the new hardstanding will employ free-draining surfacing that is compatible with SUDS.
- 6.5 Where minor losses to the current flowerbeds occur, these will be carefully removed under the supervision of the Project Arboriculturalist and the new drive constructed using a 'No Dig' solution, i.e. retaining the underlying root plate and using a cellular base to contain and spread the load within the base layer.
- 6.6 Should the drive require re-surfacing in its entirety, a cellular base will be used across the areas containing the combined RPAs, and will employ free-draining surfacing that is compatible with SUDS.
- 6.7 The construction technique for the 'No Dig' solution is based upon:
- Use of a cellular confinement system in the sub-base as a load suspension layer in order to spread the load of the hard surface;
  - Using a permeable surface layer to ensure water can reach the underlying rootplates; and
  - If edging is required, then railway sleepers anchored with steel pins to be applied instead of kerbstones, in order to avoid excavating into the underlying RPA.

### Impact upon Non-TPO trees

#### Tree Loss

- 6.8 Trees **T20** and **T21** will be lost to the development.

6.9 In addition, orchard/ornamental trees (**T2** to **T16**) will mostly be lost and, along with tree **T20**, the best specimens will be re-used within the Site. This will involve lifting out the root plates with a small backacter and installing them either (i) in the vicinity of the new bungalows or (ii) re-locating these trees at tree planting locations **A** to **G** as shown on Figure 5.

#### Root Protection Areas

6.10 The current status of the underlying RPAs is shown on Figure 3, and the impact from the new development proposals are shown on Figure 4.

6.11 There would be minimal foundation impacts upon the RPAs of the tree resource:

- The House foundations will not alter to the north, east and west and only extend to the south, and here they will not impact upon the RPAs of any retained trees.
- The new bungalows will be set on screw piles and therefore will cause no foundation impacts, so any RPAs extending beneath can be retained unharmed. However, it is acknowledged that there will be some attenuation of the rainfall supply.

6.12 The bungalows will cover approximately 20% of the RPA of tree **T1** and approximately 10% of the RPA of tree **T17**. Roof drainage will seek to discharge to ground in these locations to help replenish loss of rainfall supply, although these percentage losses are not considered significant.

6.13 In addition, any underlying services will need to seek advice from the Project Arboriculturalist, and will be carefully aligned to minimise impacts upon the RPAs.

#### Impact from New Hardstanding

6.14 The new pedestrian access running through the eastern half of the RPA to Tree **T19** (lying outside Site boundary) will employ 'No Dig' Solution as detailed in para. 5.6.

6.15 In addition, any underlying services will need to seek advice from the Project Arboriculturalist, and will be carefully aligned to minimise impacts upon the RPAs.

#### **Tree Protection Plan**

6.16 Any development proposals will need to be based on an Arboricultural Impact Plan, see Figure 4. This demonstrates how the tree resource will be protected during construction by means of tree protection fencing (TPF) constructed in accordance with the standards set out in BS5837:2012.

6.17 TPF will be used within both gardens, that within the front garden will follow the current flowerbed layout until the majority of the construction work has been completed, the work on the front drive to be one of the last activities so to minimise risk upon the TPO trees.

### Construction Activities within RPAs

6.18 The RPAs within the Site will be regarded as exclusion areas in which the following precautions shall be observed at all times:

- No mechanical excavators or vehicular access;
- No pedestrian access unless avoidable;
- No storage of plant or materials;
- No storage or handling of chemicals including cement washings;
- No trenching or lowering of ground levels; and
- No fire lighting.

6.19 In addition, the following should be observed:

- A 10m separation between trees and potentially injurious substances to tree health such as fuels, oil, bitumen, cement (and cement washings), builder's sand and other chemicals; and
- A 5m separation between the trees and any lit fire.

6.20 Excavation work within the RPA will only be in accordance with the following:

- Excavation work around the roots only with hand tools;
- Careful work around any exposed roots to avoid damage, to be covered by wet hessian cloth if left exposed for more than a few hours.
- Roots less than 25mm diameter can be severed, but those larger than this must first be examined by the Project Arboriculturalist.
- Prior to back-filling, any roots to be covered by sharp sand, or a similar granular fill, before the soils are replaced.

## **TABLES**

**TABLE 1 - PROVISIONAL FLORAL LIST FOR REAR LAWN**

SPECIES	COMMON NAME	ABUNDANCE (DAFOR)
<b>Mosses</b>		
<i>Rhytidiadelphus squarrosus</i>	Springy Turf-moss	F
<b>Grasses, Sedges &amp; Rushes (5 spp.)</b>		
<i>Festuca rubra</i>	Redc Fescue	O
<i>Holcus lanatus</i>	Yorkshire Fog	O-LF
<i>Lolium perenne</i>	Perennial Rye-grass	O
<i>Poa annua</i>	Annual Meadow-grass	R
<i>Schedonorus arundinacea</i>	Tall Fescue	LO
<b>Herbs (17 spp.)</b>		
<i>Bellis perennis</i>	Daisy	R-LO
<i>Crepis caillaris</i>	Smooth Hawk's-beard	F
<i>Galium verum</i>	Lady's Bedstraw	LO
<i>Geum urbanum</i>	Wood Avens	R
<i>Hypocheris radicata</i>	Common Cat's-ear	O
<i>Leucanthemum vulgare</i>	Ox-eye Daisy	LO
<i>Lotus corniculatus</i>	Common Bird's-foot Trefoil	LO
<i>Medicago lupulina</i>	Black Medick	O-LF
<i>Pilosella officinarum</i>	Mouse-ear Hawkweed	LO
<i>Plantago lanceolata</i>	Ribwort Plantain	R
<i>Plantago major</i>	Greater Plantain	R-LO
<i>Prunella vulgare</i>	Selfheal	O-LF
<i>Ranunculus repens</i>	Creeping Buttercup	R
<i>Senecio jacobaea</i>	Common Ragwort	R
<i>Taraxacum officinale</i> agg.	A dandelion	R
<i>Veronica chamaedrys</i>	Germander Speedwell	R
<i>Viola riviniana</i>	Common Dog-violet	R-LO

TAP\_111aFLP\_apl\_2207

TABLE 2 - TREE SCHEDULE  
Based on 22nd July 2022 survey.

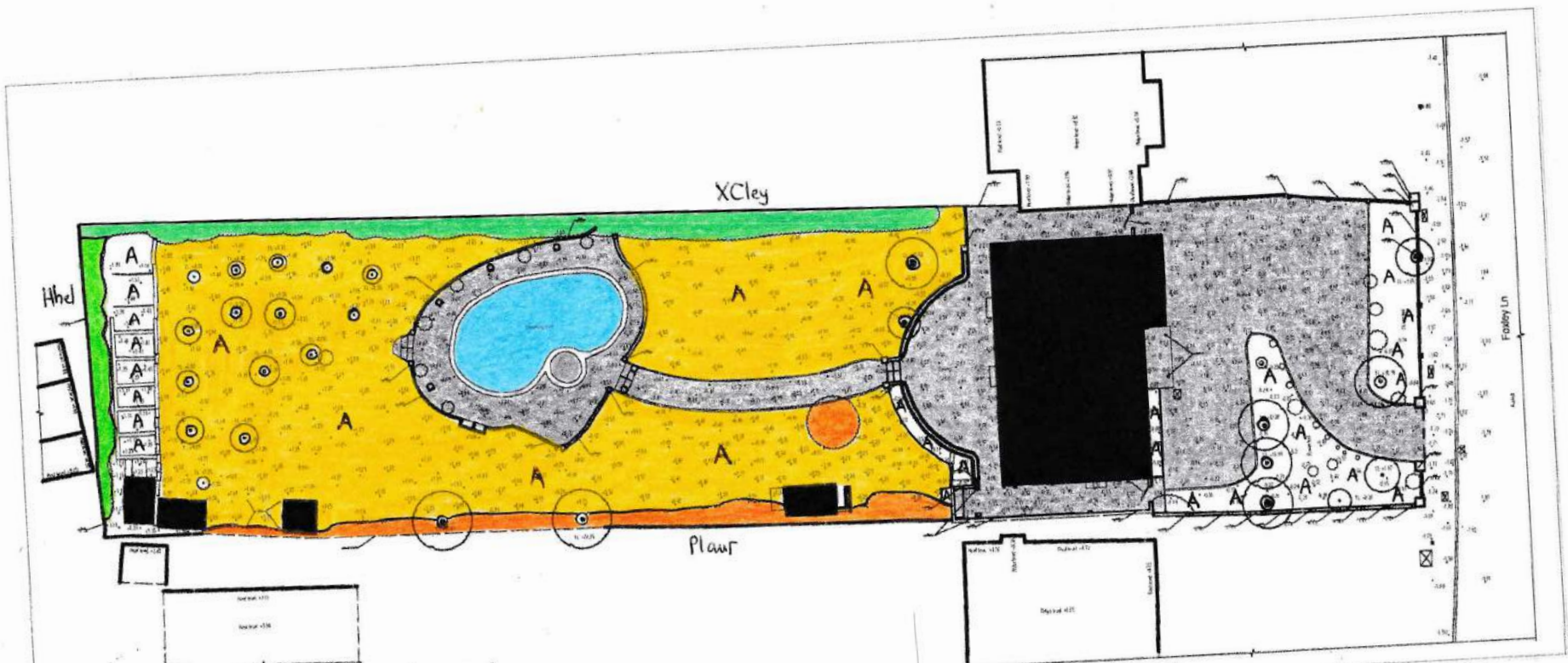
Note: Abridged BS5837:2012 used for this appraisal.

TPO No.22 (1983)	TREE NO.	SPECIES	COMMON NAME	TREE FORM	DIAMETER AT BREAST HEIGHT (mm)	RPA (m)	HEIGHT (m)	CANOPY BASE (m)	CANOPY SPREAD (m)	STRUCTURAL DEFECTS OR CONSTRAINTS	CATEGORY	RECOMMENDATIONS [Relevant to Planning Application]
-	T1 (off Site)	<i>Acer platanoides</i>	Norway Maple	Maiden	220	2.64	12	5	4N, 7E, 7S, 4W	-	C	c.20% retained beneath Bungalow
-	T2	<i>Malus domestica</i>	Cultivated Apple	Multi-stem	40 + 20 @ 0.1m > g.l.	0.45	2	0.5	1N, 1E, 1S, 1W	-	C	
-	T3	<i>Ficus carica</i>	Fig	Multi-stem	60 + 50 @ 0.8m > g.l.	0.78	3	0.75	2N, 2E, 2S, 2W	-	C	
-	T4	<i>Malus domestica</i>	Cultivated Apple	Maiden	70 @ 0.3m > g.l.	0.84	4	1	2N, 2E, 2S, 2W	-	C	
-	T5	<i>Ficus carica</i>	Fig	Maiden	100 @ 1.1m > g.l.	1.20	4	1	2N, 2E, 2S, 2W	-	C	
-	T6	<i>Malus domestica</i>	Cultivated Apple	Maiden	100 @ 0.25m > g.l.	1.20	4	0.5	2N, 2E, 2S, 2W	-	C	
-	T7	<i>Malus domestica</i>	Cultivated Apple	Maiden	50 @ 0.6m > g.l.	0.60	4	0.5	1.5N, 1.5E, 1.5S, 1.5W	-	C	
-	T8	<i>Ficus carica</i>	Fig	Multi-stem	40 + 40 @ 0.8m > g.l.	0.57	4	2	2N, 2E, 2S, 2W	-	C	
-	T9	<i>Ficus carica</i>	Fig	Maiden	80 @ 0.25m > g.l.	0.96	2	1	1.5N, 1.5E, 1.5S, 1.5W	-	C	Retain or relocate trees for landscaping purposes
-	T10	<i>Ficus carica</i>	Fig	Maiden	130 @ 0.9m > g.l.	1.56	5	2	3N, 3E, 3S, 3W	-	C	
-	T11	<i>Ficus carica</i>	Fig	Maiden	200 @ 1.3m > g.l.	2.40	6	2	3N, 3E, 3S, 3W	-	C	
-	T12	<i>Ficus carica</i>	Fig	Multi-stem	150 + 150 @ 0.9m > g.l.	2.12	5	1.75	3N, 3E, 3S, 3W	-	C	
-	T13	<i>Prunus domestica</i>	Cultivated Plum	Maiden	80	0.96	3	0.5	2N, 2E, 2S, 2W	-	C	
-	T14	<i>Ficus carica</i>	Fig	Maiden	40 @ 0.4m > g.l.	0.48	2	1.5	1N, 1E, 1S, 1W	-	C	
-	T15	<i>Pyrus communis</i>	Cultivated Pear	Maiden	40 @ 0.4m > g.l.	0.48	2	0.5	1N, 1E, 1S, 1W	-	C	
-	T16	<i>Prunus domestica</i>	Cultivated Plum	Maiden	80 @ 0.7m > g.l.	0.96	4	1	2N, 2E, 2S, 2W	-	C	
-	T17	<i>Fagus sylvatica</i> 'Purpurea'	Purple Beech	Maiden	830	9.96	14	5	6N, 7E, 9S, 9W	Dense Hhel on stem, branches removed on burr set at 2m ht. on west side of tree.	A	c.10% retained beneath Bungalow; 5% re-instated following removal of pool.
-	T18	<i>Fagus sylvatica</i> 'Purpurea'	Purple Beech	Maiden	800	9.60	14	6	9N, 7E, 5S, 5W	Dense Hhel on stem, branches removed on burr set at 4m ht. on west side of tree.	A	5% re-instated following removal of pool.
-	T19	<i>Betula pendula</i>	Silver Birch	Maiden	c.400	4.80	14+	n/a	5N, 4E, 5S, 7W	-	B	c.25% retained by 'No Dig' solution for new pedestrian access.
-	T20	<i>Olea europaea</i>	Olive	Maiden	170 @ 1.1m > g.l.	2.04	4	1.75	2N, 2E, 2S, 2W	-	C	Relocate tree for landscaping purposes
-	T21	<i>Chamaecyparis lawsoniana</i>	Lawson's Cypress	Multi-stem	260 + 250 + 190 + 120	3.45	12	5	3N, 2E, 3S, 2W	-	B	Fell & remove (grind out stump)
T6	T22	<i>Tilia x europaea</i>	Common Lime	Maiden	(730 x 590) = 660 @ 1.4m > g.l.	7.92	14	4	6N, 4E, 5S, 2W	Pollarded at 8m ht. regrowing. Epicormic growth on stem removed.	A	-
T5	T23	<i>Tilia x europaea</i>	Common Lime	Maiden	(650 x 570) = 610 @ 1.4m > g.l.	7.32	14	6	6N, 2E, 5S, 2W	Pollarded at 8m ht. regrowing. Epicormic growth on stem removed. Localised lifted bark on stem and cracks within bark. Rot hole on N-side where branch removed, vigorous regrowth along rim.	A	Bark defects might suggest the start of a fungal canker. Monitor six monthly.
T4	T24	<i>Tilia x europaea</i>	Common Lime	Maiden	(890 x 570) = 730 @ 1.3m > g.l.	8.76	14	4	6N, 2E, 5S, 4.5W	Pollarded at 8m ht. regrowing. Epicormic growth on stem removed. Old wound to SW corner of root plate reveals deadwood centre.	A	-
T3	-	No longer present										
T2	T25	<i>Aesculus hippocastaneum</i>	Horse Chestnut	Maiden	(960 x 710) = 835 @ 1.4m > g.l.	10.02	14+	2	7N, 7E, 4S, 4W	-	A	-
T1	-	Old rotten stump still present										
-	T26	<i>Taxus baccata</i>	Yew	Maiden	120 @ 0.3m > g.l.	1.44	2	1.25	2N, 2E, 2S, 2W	-	C	Relocate tree for landscaping purposes



## **FIGURES**



FIGURE 1 – PHASE 1 HABITAT PLAN



Existing Site Plan  
1:100

Scale (m):

**Legend:**

-  Scattered Mixed Trees [A3.3]
-  Conifer Plantation (Tree Screen) [A1.2.2]
-  Dense Scrub [A2.1]
-  Ornamental Shrubs [J1.4]
-  Amenity Grassland [J1.2]
-  Open Water [G1]
-  Hardstanding [J5]
-  Building [J3.6]

Species Abbreviation:

- Hhed - *Hedera helix*
- Plau - *Prunus laurocerasus*
- XCley - *X Chamaecyparis leylandii*

FIGURE 2 – TREE LOCATION PLAN

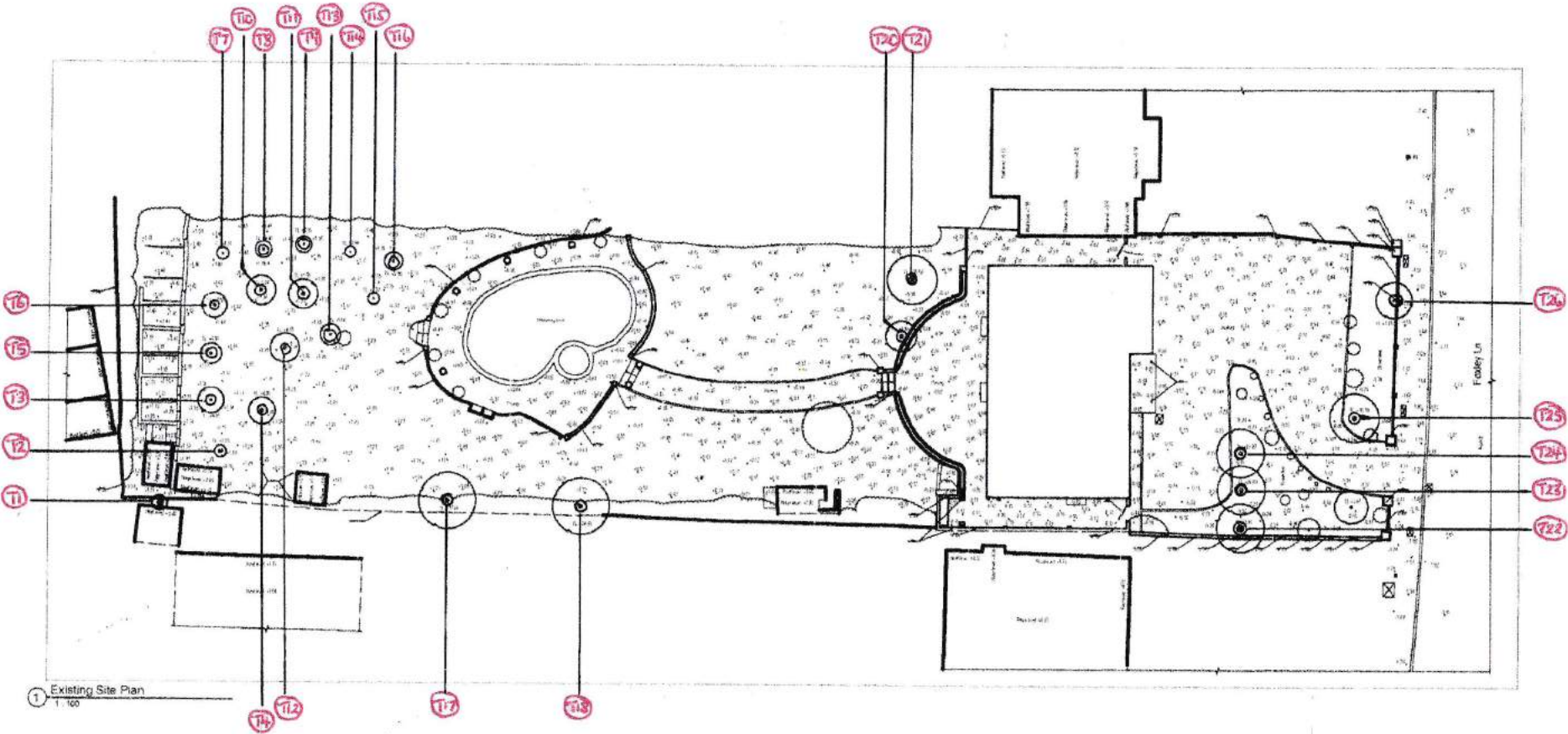
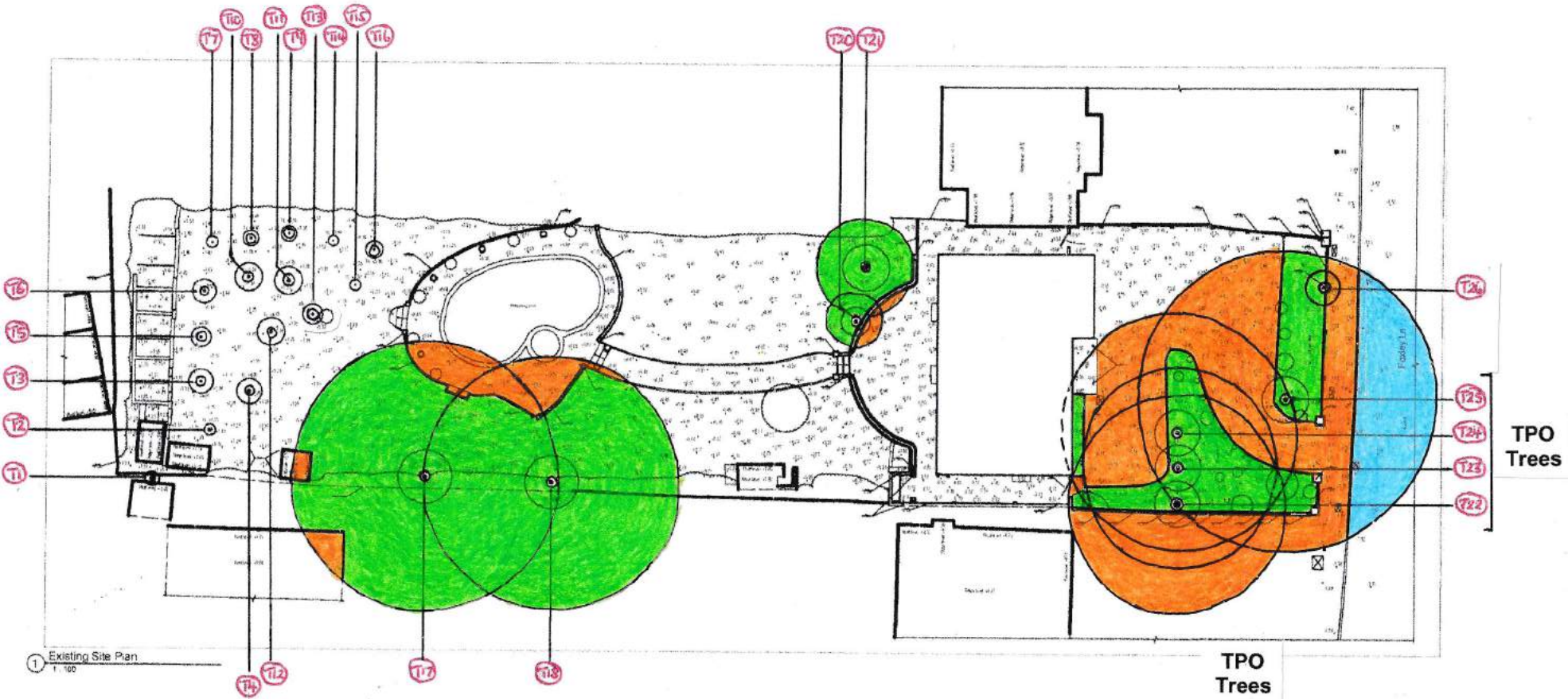
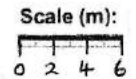




FIGURE 3 – TREE CONSTRAINTS PLAN



Existing Site Plan  
1:100



**Legend:**





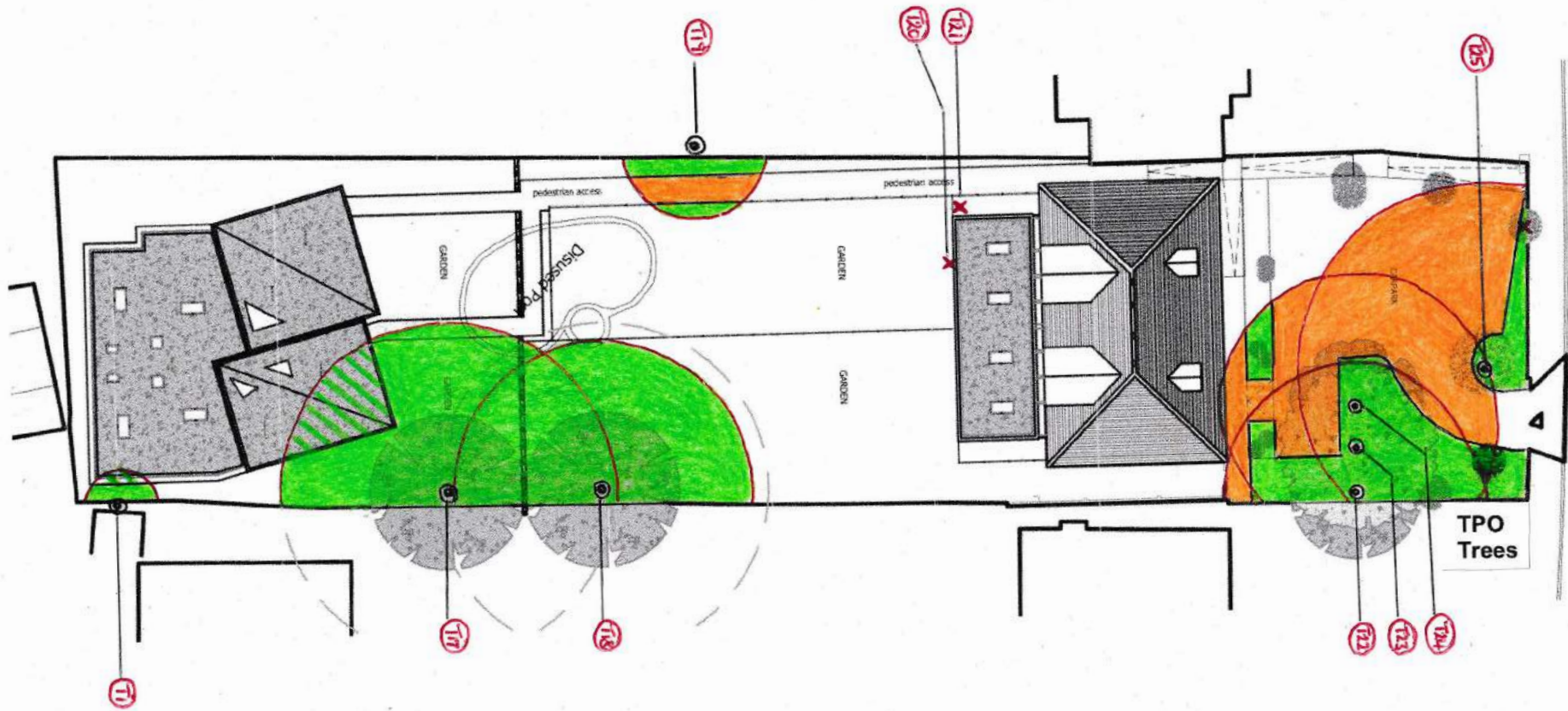
-  Tree [& No. in Schedule]
-  RPA Unconstrained
-  RPA Currently beneath Hardstanding
-  RPA Currently beneath Metalled Road

FIGURE 4 – ARBORICULTURAL IMPACT PLAN



Legend:





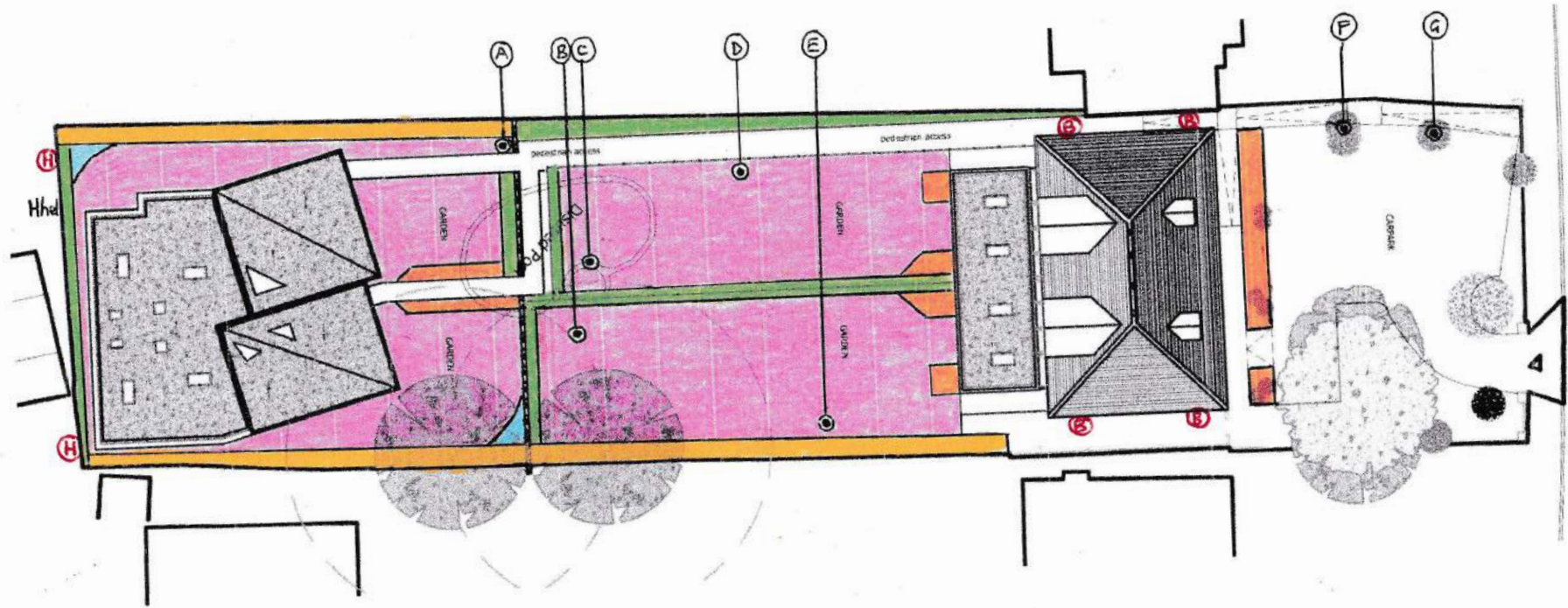





-  Relevant Trees [& No. in Schedule]
-  RPA Unconstrained
-  RPA Retained beneath New Bungalow
-  RPA Currently/Proposed beneath Hardstanding



FIGURE 5 – BIODIVERSITY ENHANCEMENT PLAN



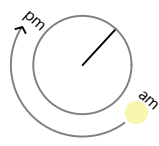
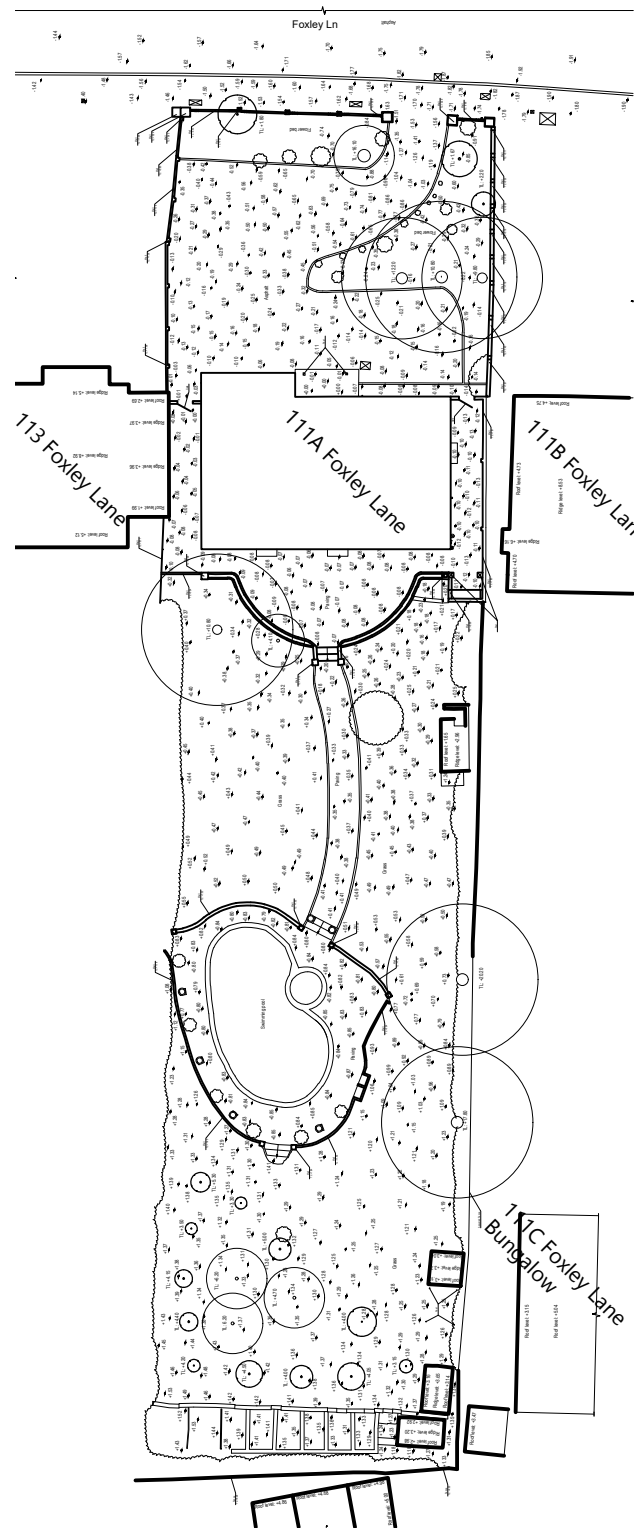
**Legend:**

-  Retained Boundary Hedges (Cherry Laurel & Leyland Cypress)
-  New Native Species-rich Hedgerows
-  Stag Beetle Habitat
-  Wall-mounted Bat Boxes
-  Hedgehog Gaps

## **APPENDICES**

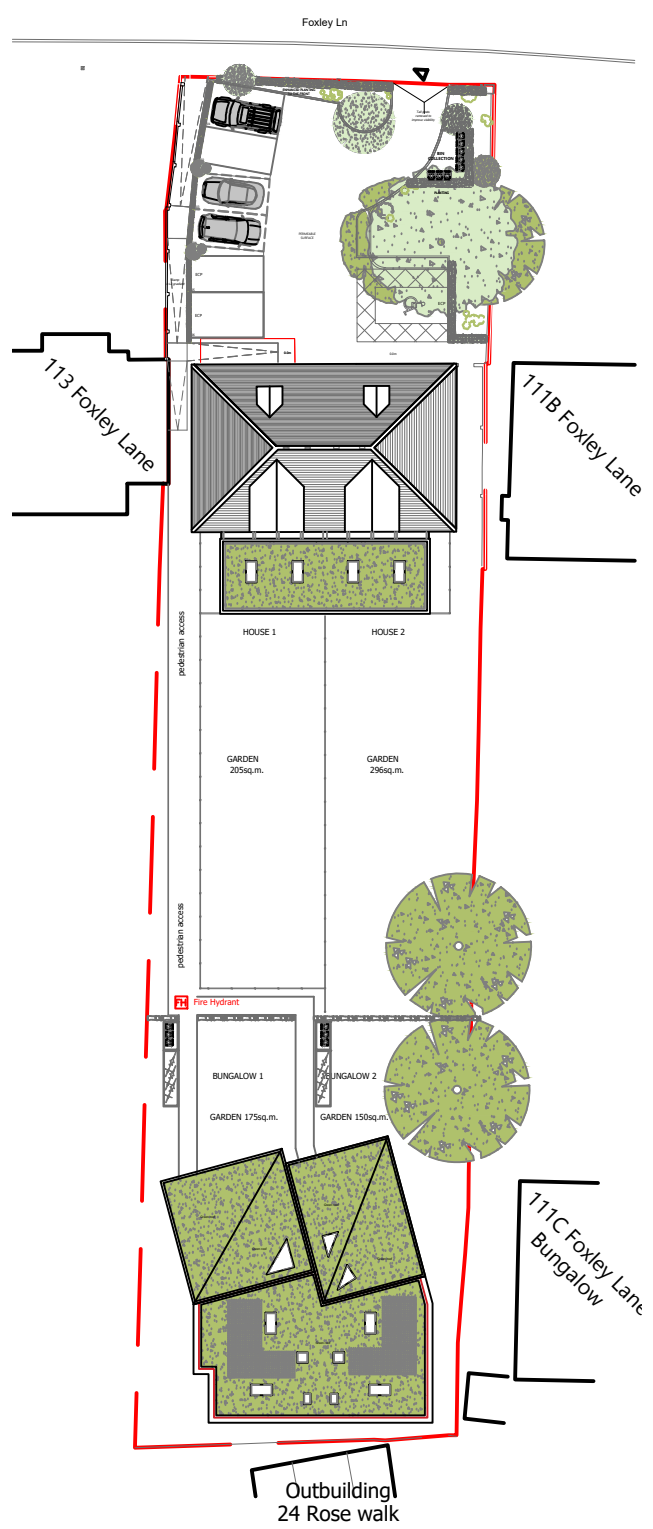
## **Appendix 1**





**EXISTING Site Plan**

1:500@A1



**PROPOSED Site Plan**

1:500@A1

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**NOTES:**  
DO NOT SCALE - VERIFY ALL DIMENSIONS BEFORE COMMENCING WORK. REPORT SUSPECTED DISCREPANCIES OR OMISSIONS.  
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CLIENT:  
SITE ADDRESS:  
**111A FOXLEY LANE  
CR8 3HQ**

DRAWN BY: ---  
DRAWN DATE: 10/10/2022  
SCALE: 1:500 @ A1

NAME:  
**SITE PLAN\_ EXISTING AND PROPOSED**

DRAWING NUMBER:  
**01**

## **Appendix 2**

Town and Country Planning Acts 1971-4

LONDON BOROUGH OF CROYDON



113 Foxley Lane, Purley

TREE PRESERVATION ORDER NO.22, 1983

The Mayor and Burgesses of the London Borough of Croydon in this order called "the authority", in pursuance of the powers conferred in that behalf by section 60 and section 61 of the Town and Country Planning Act 1971 (as amended by Section 10(1) of the Town and Country Amenities Act 1974), and subject to the provisions of the Forestry Act 1967, hereby make the following order:-

1. In this Order -

"the Act" means the Town and Country Planning Act 1971;

"owner" means the owner in fee simple either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee in possession; and "the Secretary of State" means the Secretary of State for the Environment.

2. Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, uproot, wilfully damage or wilfully destroy or cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map annexed hereto which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3. An application for consent made to the authority\* under Article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

\* If it is desired to fell any of the trees included in this Order, whether included as trees, groups of trees or woodlands, and the

trees are trees for the felling of which a licence is required under the Forestry Act 1967, application should be made not to the authority for consent under this Order but to the Conservator of Forests for a licence under that Act (section 45(5)).

4.(1) Where an application for consent is made to the authority under this Order, the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent:

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

(2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public at all reasonable hours.

5. Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they are satisfied -

- (a) that the refusal or condition is in the interests of good forestry; or
- (b) in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

6.(1) Where consent is granted under this Order to fell any part of a woodland other than consent for silvicultural thinning then unless -

- (a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act; or
- (b) the authority with the approval of the Secretary of State dispense with replanting;

the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall, subject to

the provision of this Order and section 175 of the Act, replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to -

- (a) species;
- (b) number of trees per acre (hectare);
- (c) the erection and maintenance of fencing necessary for protection of the replanting;
- (d) the preparation of ground, draining, removal of brushwood, lop and top; and
- (e) protective measures against fire.

7. On imposing any condition requiring the replacement of any tree under Article 4 of the Order, or on giving a direction under Article 6 of this Order with respect to the replanting of woodlands, the authority shall if such condition or direction relates to land in respect of which byelaws made by a water authority since 31 March 1974, by any other authority (whose functions are now exercised by a water authority) who at any time prior to 1 April 1974 exercised the functions in respect of which the byelaw was made, by a drainage board, or by the Greater London Council in the exercise of any of its functions in relation to the maintenance, improvement or construction of watercourses or of drainage works restrict or regulate the planting of trees, notify the applicant or the owner of the land, as the case may be, of the existence of such byelaws and that any such condition or direction has effect subject to the requirements of the water authority, the drainage board, or the Greater London Council under those byelaws and the condition or direction shall have effect accordingly.

8. The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

9. Subject to the provisions of this Order, any person who has suffered loss or damage in consequence of any refusal (including revocation or modification) of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such loss or damage:

Provided that no compensation shall be payable in respect of loss or damage suffered by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

10. In assessing compensation payable under the last preceding Article account shall be taken of:

- (a) any compensation or contribution which has been paid whether to the claimant or any other person, in respect of the same

trees under the terms of this or any other Tree Preservation Order under section 60 of the Act or under the terms of any Interim Preservation Order made under section 8 of the Town and Country Planning (Interim Development) Act 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act 1932; and

- (b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

11.(1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority, such service to be effected by addressing the claim to the authority and leaving it at or sending it by post to the principal office of the authority.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Secretary of State, as the case may be, or where an appeal has been made to the Secretary of State against the decision of the authority, from the date of the decision of the Secretary of State on the appeal.

12. Any question of disputed compensation shall be determined in accordance with the provisions of section 179 of the Act.

13. (1) The provisions of section 61 of the Act shall apply to this Order and the Order shall take effect on ~~11th~~ February, 1983.

(2) This Order shall apply to any tree specified in the First Schedule hereto, which is to be planted as mentioned therein, as from the time when that tree is planted.

NOTE: Any person contravening the provisions of this Order by cutting down, uprooting or wilfully destroying a tree, or by wilfully damaging, topping or lopping a tree in such a manner as to be likely to destroy it is guilty of an offence and liable on summary conviction to a fine not exceeding £1000 or twice the sum which appears to the court to be the value of the tree, whichever is the greater, or on indictment to a fine. The penalty for any other contravention of this Order is a fine not exceeding £200 on summary conviction and, in the case of a continuing offence when the contravention is continued after conviction, a person is liable on summary conviction to an additional fine not exceeding £5 for every day on which the contravention is so continued.

If a tree other than one to which an Order applies as part of a woodland is removed, uprooted or destroyed in contravention of an Order or is

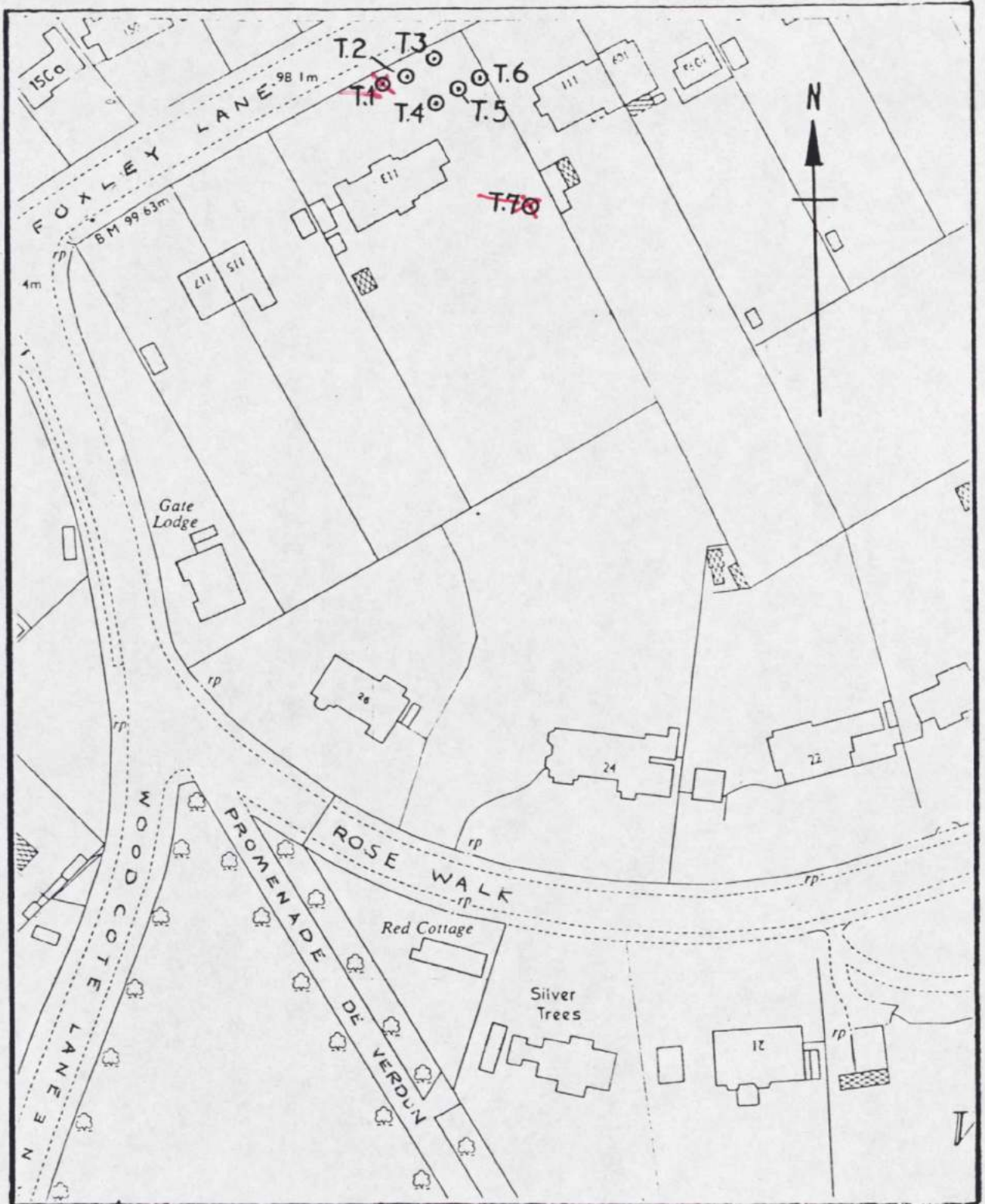
removed, uprooted or destroyed or dies at a time when its cutting down or uprooting is authorised only by section 60(6) of the Town and Country Planning Act 1971 relating to trees which are dying or dead or have become dangerous, it is the duty of the owner of the land, unless on his application the local planning authority dispense with the requirement, to plant another tree of appropriate size and species at the same place as soon as he reasonably can. Except in emergency, not less than 5 days previous notice of the removal, etc., should be given to the authority to enable the latter to decide whether or not to dispense with the requirement.



LONDON BOROUGH OF CROYDON.

[113, FOXLEY LANE PURLEY]

TREE PRESERVATION ORDER No.22-1983.



Scale. 1/1250

Grid Ref. 29706199

D.C. Coombs. B.Sc.(Est. Man) Dip. T.P.  
Deputy Director & Head of Planning,  
Taberner House,  
Park Lane,  
CROYDON. CR9. 1JT.



*MA*

THE COMMON SEAL of the Mayor,  
and Burgh of Croydon  
Croydon was affixed hereto by order  
of the Council.

CONTROLLER OF ADMINISTRATION  
Seal Register No. 15916

*WYP*

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY

(Encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>Situation</u>	<u>Nov. 10</u>
<del>T.1</del>	<del>Horse Chestnut</del>	} D.D.D. bleeding canker/decay 113 Foxley Lane, Purley	<del>Ext.</del>
T.2	Sycamore		
T.3	Horse Chestnut		
T.4	Lime		
T.5	Lime		
T.6	Lime		
<del>T.7</del>	<del>Cedar</del>		

Trees Specified by Reference to an Area

NONE

Groups of Trees

NONE

Woodlands

NONE

THE COMMON SEAL of the Mayor,  
and Burgesses of the London Borough  
of Croydon was affixed hereto by order  
of the Council.

*M. J. [Signature]*  
CONTROLLER OF ADMINISTRATION

Seal Register No. 15916

## SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority to

(1) the cutting down of any tree on land which is subject to a forestry dedication covenant where

- (a) any positive covenants on the part of the owner of the land contained in the same deed as the forestry dedication covenant and at the time of the cutting down binding on the then owner of the land are fulfilled;
- (b) the cutting down is in accordance with a plan of operations approved by the Forestry Commission under such deed.

(2) the cutting down of any tree which is in accordance with a plan of operations approved by the Forestry Commission under the approved woodlands scheme or other grant scheme under section 4 of the Forestry Act 1967 except a scheme which applies to a forestry dedication covenant;

(3) the cutting down, uprooting, topping or lopping of a tree

- (a) in pursuance of the power conferred on the Post Office by virtue of section 5 of the Telegraph (Construction) Act 1908 and section 21 of the Post Office Act 1969,

or by or at the request of the Post Office where the land on which the tree is situated is operational land as defined by the Post Office Operational Land Regulations\* and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking

(b) by or at the request of

- (i) a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking;
- (ii) an electricity board within the meaning of the Electricity Act 1947, where such tree obstructs the construction by the board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act 1919 and the Electric Lighting Act 1882 or interferes or would interfere with the maintenance of working of any such line;
- (iii) a water authority established under the Water Act 1973, a drainage board constituted or treated as having been constituted under the Land Drainage Act 1930, or the

Greater London Council, where the tree interferes or would interfere with the exercise of any of the functions of such water authority, drainage board, or Council in relation to the maintenance, improvement or construction of watercourses or of drainage works; or

- (iv) the Secretary of State for Defence, the Secretary of State for Trade, the Civil Aviation Authority or the British Airports Authority where in the opinion of such Secretary of State or Authority the tree obstructs the approach of aircraft to, or their departure from, any aerodrome or hinders the safe and efficient use of aviation or defence technical installations;
- (c) where immediately required for the purpose of carrying out development authorised by the planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part;
- (d) which is a fruit tree cultivated for fruit production growing or standing on land comprised in an orchard or garden;
- (e) in pursuance of the powers of the Thames Water Authority under section 105 of the Thames Conservancy Act 1932.

\*(a) S.1.1973/310.

#### THIRD SCHEDULE

Provisions of the following parts of Part III of the Town and Country Planning Act 1971 as adapted and modified to apply to this Order.

33.(1) Without prejudice to the following provisions as to the revocation or modification of consents, any consent under the Order, including any direction as to replanting given by the authority on the granting of such consent, shall (except in so far as the consent otherwise provides), enure for the benefit of the land and of all persons for the time being interested therein.

Reference of applications to the Secretary of State  
35.(1) The Secretary of State may give directions to the authority requiring applications for consent under the Order to be referred to him instead of being dealt with by the authority.

(2) A direction under this section may relate either to a particular application or to applications of a class specified in the direction.

(3) Any application in respect of which a direction under this section has effect shall be referred to the Secretary of State accordingly.

(4) Where an application for consent under the Order is referred to the Secretary of State under this section, the provisions of Articles 4 and 5 of the Order shall apply as they apply to an application which falls to be determined by the authority.

(5) Before determining an application referred to him under this section the Secretary of State shall, if either the applicant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) The decision of the Secretary of State on any application referred to him under this section shall be final.

Appeals  
against  
decisions

36.(1) Where an application is made to the authority for consent under the Order and that consent is refused by that authority or is granted by them subject to conditions, or where any certificate or direction is given by the authority, the applicant, if he is aggrieved by their decision on the application, or by any such certificate, or the person directed if he is aggrieved by the direction, may by notice under this section appeal to the Secretary of State.

(2) A notice under this section shall be served in writing within twenty-eight days from the receipt of notification of the decision, certificate or direction, as the case may be, or such longer period as the Secretary of State may allow.

(3) Where an appeal is brought under this section from a decision, certificate or direction of the authority, the Secretary of State, subject to the following provisions of this section, may allow or dismiss the appeal, or may reverse or vary any part of the decision of the authority, whether the appeal relates to that part thereof or not, or may cancel any certificate or cancel or vary any direction, and may deal with the application as if it had been made to him in the first instance.

(4) Before determining an appeal under this section, the Secretary of State shall, if either the appellant or the authority so desire, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(6) The decision of the Secretary of State on any appeal under this section shall be final.

Appeal in  
default of  
decision

37. Where an application for consent under the Order is made to the authority, then unless within two months from the date of receipt of the application, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either -

(a) give notice to the applicant of their decision on the application;

or

(b) give notice to him that the application has been referred to the Secretary of State in accordance with directions given under section 35 above;

the provisions of the last preceding section shall apply in relation to the application as if the consent to which it relates had been refused by

the authority, and as if notification of their decision had been received by the applicant at the end of the said period of two months, or at the end of the said extended period, as the case may be.

Power to  
revoke or  
modify the  
consent under  
the Order

45.(1) If it appears to the authority that it is expedient to revoke or modify any consent under the Order granted on an application made under Article 3 of the Order, the authority may by Order revoke or modify the consent to such extent as they consider expedient.

(2) Subject to the provisions of sections 46 and 61 of the Act an Order under this section shall not take effect unless it is confirmed by the Secretary of State; and the Secretary of State may confirm any such Order submitted to him either without modification or subject to such modifications as he considers expedient.

(3) Where an authority submit an Order to the Secretary of State for his confirmation under this section, the authority shall furnish the Secretary of State with a statement of their reason for making the Order and shall serve notice together with a copy of the aforesaid statement on the owner and on the occupier of the land affected, and on any other person who in their opinion will be affected by the Order, and if within the period of twenty-eight days from the service thereof any person on whom the notice is served so requires, the Secretary of State, before confirming the Order, shall afford to that person, and to the authority, an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

(4) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed:

Provided that the revocation or modification of consent shall not affect so much of those operations as has been previously carried out.

(5) Where a notice has been served in accordance with the provisions of subsection (3) of this section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Secretary of State under subsection (2) of this section.

Un-opposed  
revocation  
or  
modification  
of consent

46.(1) The following provisions shall have effect where the local planning authority have made an Order (hereinafter called "such Order") under section 45 above revoking or modifying any consent granted on an application made under a tree preservation order but have not submitted such Order to the Secretary of State for confirmation by him and the owner and the occupier of the land and all persons who in the authority's opinion will be affected by such Order have notified the authority in writing that they do not object to such Order.

(2) The authority shall advertise the fact that such Order has been made and the advertisement shall specify (a) the period (not less than twenty-eight days from the date on which the advertisement first appears) within which persons affected by such Order may give notice to the

Secretary of State that they wish for an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose and (b) the period (not less than 14 days from the expiration of the period referred to in paragraph (a) above) at the expiration of which, if no such notice is given to the Secretary of State, such Order may take effect by virtue of this section and without being confirmed by the Secretary of State.

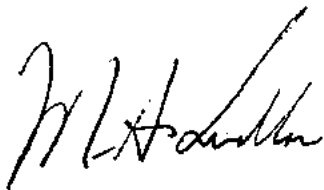
(3) The authority shall also serve notices to the same effect on persons mentioned in subsection (1) above.

(4) The authority shall send a copy of any advertisement published under subsection (2) above to the Secretary of State, not more than three days after the publication.

(5) If within the period referred to in subsection (2)(a) above no person claiming to be affected by such Order has given notice to the Secretary of State as aforesaid and the Secretary of State has not directed that such Order be submitted to him for confirmation, such Order shall at the expiration of the period referred to in subsection (2)(b) of this section take effect by virtue of this section and without being confirmed by the Secretary of State as required by section 45 of the Act.

(6) This section does not apply to such Order revoking or modifying a consent granted or deemed to have been granted by the Secretary of State under Part III, Part IV or Part V of the Act.

*MA*  
THE COMMON SEAL of THE MAYOR)  
AND BURGESSES OF THE LONDON )  
BOROUGH OF CROYDON was )  
affixed hereto by Order of )  
the Council on the 11<sup>th</sup> )  
day of February 1983 )



Controller of Administration

*MA*  
Seal Register No. 15916

*Order confirmed by this Council 4th August 1983*



# PHOTOGRAPHS

## BUILDING PHOTOGRAPHS

### House



Northern elevation



Southern elevation



Missing ridge tile (southern aspect)





Ventilator tiles along ridge line



Wooden panelling along eaves



Ridge beam



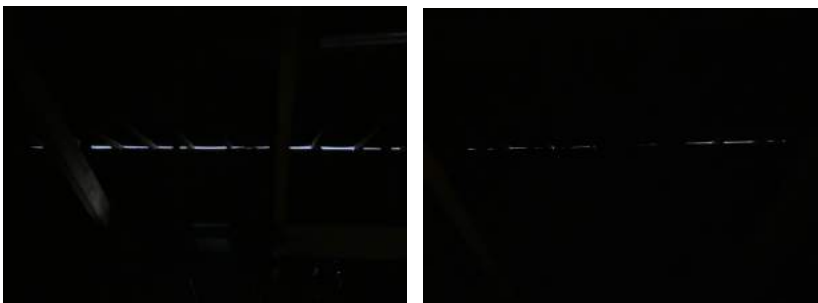
Roof underlay



Centre of roof void



Water tank



Gaps evident along roof eaves (shown by lights off)



**Garage**



**Concrete-rendered Outbuilding**



Roof interior

## Wooden Sheds





ARBORICULTURAL PHOTOGRAPHS



Trees **T22** (right) to **T25** (left)



Crowns of **T22** to **T24**



Stem of **T22**



**T23**



**T23**





Bifurcation of **T24**



Northern side of **T23**



Tree **T25**



**LANDSCAPE PHOTOGRAPHS**



Rear lawn looking south



Close-up of Sward



Pool



Floating matt of alga and leaves





Edge of anchored cover