

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

REF NO: LY/1/15/TC

LOCATION: Lullyng Cottage
Lyminster Road
Lyminster

PROPOSAL: Removal of 1no Leylandii Tree & 3 Conifer trees within the Lyminster Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The trees the subject of this application.
BOUNDARY TREATMENT	Approximately 1.5 metre high timber fencing along the boundary adjacent to the highway.
SITE CHARACTERISTICS	The site is occupied by a detached two-storey dwelling.
CHARACTER OF LOCALITY	The site is located in a rural area, alongside a main road which is bordered by fields and open countryside, with sporadic, well spaced, residential development.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

N/A

CONSULTATIONS

Conservation Officer
Arboriculturist

Consultations responses received:

Council's Tree Officer:-

Comments:

·The outlined tree is situated in conservation area Lyminster. This is an attractive area that is quite rural, and has a mix of mainly established broadleaved trees, with a few conifer species

present.

·The trees outlined in this application are all situated in the rear garden of Lullyng Cottage. These trees are just visible from the main highway (A284).

·It is apparent from the site inspection that the outlined trees in this application, all have very poor aesthetic value. It is clear that this poor aesthetic value can be attributed to the fact there was clearly more individual's trees located in this area, which have subsequently been removed. This has left the remaining

·It is also apparent that there is evidence of heave in ground surrounding the basal area of T1 and T2. This is a worrying feature, as it indicates that T1 and T2 are now unstable and much more likely to suffer systemic failures. It would be therefore my opinion that the retention span is greatly reduced due to this feature

Recommendation:

·I would therefore have no objection to the felling of these trees as they are not suitable for TPO orders.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designations Applicable to Site:-

Adopted Local Plan

Outside Built-up Area

Class A Road

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, 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 Council's Tree Officer in his consultation response has identified that the trees the subject of this application are of very poor aesthetic value. This has been attributed to the fact there was clearly more trees in this location which have subsequently been removed leaving the remaining trees. It is also apparent from the Tree Officer's report that the trees are showing signs of heave in the basal area of T1 and T2 which indicates that these trees may be unstable and as such the retention span is greatly reduced.

Therefore, the trees have been deemed inappropriate for a Tree Preservation Order and as such no objection is raised to their felling.

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.