

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (**REF NO:** LY/22/11/T**LOCATION:** Lyminster Court
Lyminster Road
Lyminster**PROPOSAL:** Various surgery to 4 No Holm Oak trees**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The trees form a group to the front of the site, there are a number of other large mature trees on and around site boundaries.
BOUNDARY TREATMENT	N/A
SITE CHARACTERISTICS	The site is occupied by a two-storey dwelling and associated outbuildings which are largely unseen from the road as they are set back from the site frontage with screening provided by mature landscaping.
CHARACTER OF LOCALITY	The site is located within Lyminster Conservation area which contains a rural settlement that is noted for having an informality of layout which is enhanced by mature landscaping and verges.

RELEVANT SITE HISTORY

LY/7/08/TC	Reduce upper canopy by approx 15% , reshape & balance remaining crown, & thin crown by removing dead or diseased branches of 1 no. Horse Chestnut tree within the Lyminster Conservation Area.	No Objection 21-07-2008
LY/18/11/TC	Cut back line of 9 No Holm Oak trees by 30% and remove all dead, deceased or damaged branches within the Lyminster Conservation Area	Objection 06-10-2011
LY/24/11/TC	Fell group of Leylandii trees along north boundary within the Lyminster Conservation Area.	No Objection 13-01-2012

REPRESENTATIONS

Representations received:

Awaited.

Comments on Representations received:

None.

CONSULTATIONS

Council's Arboriculturalist

Conservation Officer

Conservation Area Advisory Com

Consultations responses received:

COUNCIL'S ARBORICULTURALIST:

I met with Mr Reagan at the above address today at 10.30am (14th December 2011) to discuss the conifer hedge felling and the tree work to the Evergreen Oaks.

Mr Reagan accepts the following as a Condition:

The first three Evergreen Oak trees from the Highway to be Crown Reduced by 3m. The branches to be cleared from the single storey neighbouring property by providing a gap of 2m. The 1st Evergreen Oak which overhangs the highway to be crown lifted to 5.2m.

The fourth tree and one farthest away from the highway and nearest the house should not be reduced. It should only be crown lifted over the boundary wall by 3.5m.

CONSERVATION AREA ADVISORY COMMITTEE:

No comment.

Comments on Consultation responses:

Comments noted. It has been advised that the works have been carried out in accordance with this condition.

POLICY CONTEXT

Designation applicable to site:

Tree Preservation Order

Within Conservation Area

Outside Built-Up 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 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

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 trees in question serve an important amenity purpose in defining the semi-rural appearance of the surrounding area and forming a green portal into the Conservation Area. However, it is noted that the trees are growing close to the highway and various outbuildings at the neighbouring property, as well as the garage on site, and it is considered that the proposed reductions are necessary to prevent danger to pedestrians and property.

The trees are large and their presence is enhanced by their close proximity to each other, therefore, it is considered that the proposed works will not detract significantly from their overall appearance and they will continue to provide an important visual contribution towards the character and appearance of the conservation area.

It is therefore recommended that the application is approved.

RECOMMENDATION

APPROVE

- 1 The works hereby approved involve the crown reduction of the three trees closest to the highway by a maximum of 3 metres and clearing of branches away from the neighbouring property, retaining a gap of 2 metres. Crown lifting of the tree closest to the highway to a maximum of 5.2 metres. Crown lifting of the tree furthest from the highway by a maximum of 3.5 metres.

All works should be carried out in accordance with British Standard 3998: 2010: Recommendations for tree work.