

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

REF NO: LY/3/15/TC

LOCATION: The Paddock
Lyminster

PROPOSAL: Fell 1No. Sycamore Tree within the Lyminster Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	None within the curtilage of the dwelling. Various trees outside of/adjoining rear boundaries of the applicant's dwelling and adjoining dwellings.
BOUNDARY TREATMENT	The rear boundary is a 1.8m panel fence.
SITE CHARACTERISTICS	The land on which this tree stands is undeveloped and publicly accessible to walkers. It is outside the curtilage of the applicant's dwelling. Apart from the trees, the area is rough grassland and there are both individual trees, groups of trees and there is also limited under planting in places.
CHARACTER OF LOCALITY	See also Site Characteristics. The open land is adjoined by a number of dwellings on the east side. A footpath also crosses the open land and is located close to the rear of the dwellings.

RELEVANT SITE HISTORY

N/A

REPRESENTATIONS

Representations received:

Lyminster & Crossbush Parish Council

Lyminster & Crossbush Parish Council support the application.

No representations have been received.

Comments on Representations received:

None.

CONSULTATIONS

Arboriculturist

Consultations responses received:

The Conservation Area Committee has no objection.

The Council's Tree Officer comments:

T1 Species: Sycamore *Acer pseudoplatanus* Height: 10 meters Average Branch Spread: 3.5 meters Crown Condition: fair Form: fair to poor Age Class: semi mature

- The outlined tree is situated in Lyminster Conservation Area . 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 tree outlined in this application is situated abutting the western boundary. It is clear from the site inspection that this individual has had previous reduction/s.

- The proposed operation would mean the felling and removal of T1. From the site inspection it is clear that T1 does not have the attributes to warrant a TPO order.

Recommendation:

- As T1 does not have the merits to warrant a TPO order. I would therefore have no objection to the proposed operation.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Adopted Local Plan
Outside of Built Up Area
Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

POLICY COMMENTARY

Development Plan policies are not specific to trees. National Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306 is relevant.

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

It should be noted that the applicant has written to confirm that they agree to replace the tree.

Conditions may not be imposed on application of this type and as such replacement cannot be conditioned.

The applicant wishes to fell the tree due to light impact and has the agreement of the owner of the land the tree is located upon, subject to obtaining this Council's agreement to felling. The tree is not considered to make a particularly significant contribution to visual amenity and it is quite evident that it does have detrimental light impacts. The tree is not of a stature/maturity such that its felling would make an appreciable difference to the appearance of the area. Replacement elsewhere by a tree will mitigate the very limited impact of the removal of this tree.

It is recommended that no objection is raised in relation to 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.