

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: LY/4/10/TC

LOCATION: Old Granary
Church Lane
Lyminster

PROPOSAL: Removal of two Goat Willow trees within Lyminster Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	Approximately 5390 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Many within the site, and the trees subject of the application.
BOUNDARY TREATMENT	Varying hedging and walls enclosing the site, some 2-4m high.
SITE CHARACTERISTICS	The site is occupied by a detached single storey dwelling with many outbuildings and stores surrounding. Predominantly red brick elevations, flint and timber cladding. Gable slate tiled roofs, garden area and over grown fields to the south of the site.
CHARACTER OF LOCALITY	Sited within close proximity to Lyminster Road to the south and a vineyard and open farmland to the north of the site.

RELEVANT SITE HISTORY

LY/24/04/TC	Surgery to various trees (Within the Lyminster No Objection Conservation Area)	17-12-2004
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REPRESENTATIONS

Representations received:

Lyminster & Crossbush Parish Council
Awaited.

Comments on Representations received:

None

CONSULTATIONS

Horticulturist

Conservation Area Advisory Com

Consultations responses received:

Conservation Area Advisory Committee: No comment.

Comments on Consultation responses:

Noted.

POLICY CONTEXT

Designation applicable to site:
Outside the built-up area boundary
Conservation Area

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN3 AREA2 GEN7	Protection of the Countryside Conservation Areas The Form of New Development
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PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
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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 proposed application seeks to fell 2No. Goat Willow trees. The trees are located on land located to the south and east of the site and one is currently growing over and causing damage to a Listed Building and the other over existing outhouses.

Although the trees can be partly viewed from Lyminster Road they are not a significant feature from the public domain and therefore it is not considered that the trees contribute significantly to the public visual amenity of the surrounding area.

It is therefore recommended that no objection be raised or Tree Preservation Order be made and the work can proceed as per the application.

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.