

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** Y/17/12/TC**LOCATION:** Park Lodge
Church Lane
Yapton**PROPOSAL:** Surgery to various trees within the Yapton (Church Lane) Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The trees the subject of this notification but various trees within and around the site.
BOUNDARY TREATMENT	Site is surrounded by flint walls approximately 1.2m-2m in height.
SITE CHARACTERISTICS	Grade II Listed Building. Two storey detached with front porch, detached double garage to side. The property has smooth rendered walls painted white, hipped roof with slate tiles and white window frames.
CHARACTER OF LOCALITY	Within the Conservation Area. Residential comprising detached bungalows and two storey properties of various styles and designs.

RELEVANT SITE HISTORY

Y/28/02/TC	Pruning of 1 Yew tree within the Yapton Conservation Area	No Objection 17-05-2002
Y/65/05/TC	Fell 1 no. Conifer tree and 1 no. Yew tree within the Yapton (Church Lane) Conservation Area.	No Objection 16-09-2005
Y/71/08/TC	Surgery to various trees within the Church Lane Yapton Conservation Area	No Objection 21-11-2008
Y/62/11/TC	Various tree surgery within the Church Lane Yapton conservation area	No Objection 06-01-2012

REPRESENTATIONS

Representations received:

Yapton Parish Council
Awaited

Comments on Representations received:

None.

CONSULTATIONS

Council's Arboriculturalist
Conservation Area Advisory Com

Consultations responses received:

Council's Arboriculturalist
I inspected the trees and the work proposed does not adversely affect visual amenity with respect to trees and I have no objection to the felling and proposed surgery.

Conservation Area Advisory Committee
No objection.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Grade II Listed Building
Within the Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [AREA2](#) Conservation Areas

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

TREES

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 notification seeks fell one Bay tree and carry out surgery to Bay, Lawson Cypress, Ironwood, Mimosa trees within the Conservation Area.

The Lawson Cypress, Ironwood and Mimosa trees are sited in the rear garden and are not readily visible to the front of the site and the proposal seeks to reduce these trees. The Bay tree is sited to the front of the site by the driveway and this is to be felled. A second Bay tree sited by the corner of the house is to be reduced to gutter level. The Bay trees are readily visible in the street scene but of no significant public visual amenity.

The Council's Arboriculturist has inspected the trees and has raised no objection to the felling of the Bay tree and reduction of the Bay, Lawson Cypress, Ironwood and Mimosa trees.

It is therefore recommended that no objection be raised or Tree Preservation Order be made.

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 amendd) 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.