

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

REF NO: Y/1/18/TC

LOCATION: Berri Court
Main Road
Yapton
West Sussex

PROPOSAL: Fell & Replace 1No. Corsican Pine, 2No. Eucalyptus, 1No. Cherry, 1No. Horse Chestnut & 1No. Monterey Cypress. Fell 1No. Tree of Heaven, 2No. Eucalyptus, 9No. Leylandii Cypress, 2No. Cypress, 1No. Rodedendron, 1No. Larch & 1No. Pittosporum & Various works to various trees within Church Road, Yapton Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
TREES	The trees are located over a large area surrounding the property.
SITE CHARACTERISTICS	Dwelling
CHARACTER OF LOCALITY	Residential

RELEVANT SITE HISTORY

None

REPRESENTATIONS**REPRESENTATIONS RECEIVED:**

Parish Council provided no response
No representation from nearby occupiers
Conservation Area Advisory Committee provided no response

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted

CONSULTATIONS

Arboriculturist

CONSULTATION RESPONSES RECEIVED:

Tree Officer Comments

The applicant has submitted a detailed tree survey and plan (Tree Works Summary V.2 Ref. No:0291) with a logical and substantial set of tree work proposals, the vast majority of which I can accept. As such, I am able to make some general comments/observations that apply in the main and only need to comment specifically on one exceptional item.

Although there is an absence of any soft landscaping/tree planting plans at this time, the proposed new density of tree population and remaining age class diversification will be sufficient to ensure this collection will continue and make a valuable contribution to the area for the long term.

The mature Eucalyptus tree (T88) which dominates the rear aspect of the property and is visible from the surrounding area. It is of unusually fine form and has apparent good health. The applicant has determined it to be of low quality (a view with which I disagree) and proposed its removal. It scores 17 using TEMPO and is worthy of an Order.

Conclusions

The vast majority of trees identified for removal are those which add only moderate value to this notable collection and as such their absence would not diminish the overall character of the area. Many of them have virtue/poor/moderate form and /or declining physiological condition. Furthermore, their absence will in the main allow nearby trees of higher quality or potential to flourish or become more visible.

Recommendations

I raise no objection to the vast majority of works that have been applied for, with one notable exception (see below)

I recommend the making of an individual Tree Preservation Order in respect of one Eucalyptus. Identified as Tree No 88/Tag No 1217 on the aforementioned tree survey/, I attach the appropriate TEMPO form and site plan to assist you in making this order.

COMMENTS ON CONSULTATION RESPONSES:

The applicant was contacted regarding the removal of the Eucalyptus Tree No88 Tag No 1217 from the application whilst the TPO Order was created under instruction from the Arboriculturalist. This was agreed and subsequently the tree has been removed from the description of proposed works.

POLICY CONTEXT

Conservation Area

DEVELOPMENT PLAN POLICES

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice 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

Following comments from the tree officer and the agreed change of description to remove the impending TPO tree, it is recommended there be no objection to the proposed works listed in the application.

HUMAN RIGHTS ACT

FOR APPROVAL

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

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.