NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPOR

REF NO: **Y/21/10/TC**

LOCATION: Shoulders
Main Road
Yapton

PROPOSAL: Reduce crown of 1no. Oak tree & 2no. Sycamore trees by 25% (within the Main Road/Church Road Conservation Area)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	One no. Oak tree and 2 no. Sycamore trees.
BOUNDARY TREATMENT	Open to front. Close boarded fencing and brick walling to sides and rear.
SITE CHARACTERISTICS	The site is a former Public House, recently converted to form two houses, and is a Grade II Listed Building.
CHARACTER OF LOCALITY	The site is located within the Main Road/Church Road Yapton Conservation Area, which is predominantly of two storey properties of a traditional style.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Yapton Parish Council:
The Planning Committee of Yapton Parish Council would appreciate it if the District Council's tree specialist could confirm that the work proposed in this application is necessary. In the planning application, the trees were never mentioned as part of the original construction/alteration proposals. Such factors should be considered at the outset to give a full picture of the development proposal.

Comments on Representations received:

Noted.

CONSULTATIONS

Horticulturist
Conservation Area Advisory Com

Consultations responses received:

District Arboriculturist: I have recently had a look at the trees which are of marginal amenity value, though when in close proximity they do present a quite significant back drop to the area. Application has been made to reduce the height and spread of all three trees to what can only be described as pollards. This is far too drastic for these trees and will only result in their semi destruction.
I suggest a more sympathetic approach would be a maximum reduction of 30%, with the removal of dead wood.

Comments on Consultation responses:

Comments noted. The applicant has been contacted and the description of the works has been amended to a 25% reduction of the trees.

POLICY CONTEXT

Designation applicable to site:
Within the Built Up Area
Within the Church Road/Main Road Yapton Conservation Area
Grade II Listed Building

DEVELOPMENT PLAN POLICIES

South East Plan:		
Arun District Local Plan:	GEN2	Built-up Area Boundary
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS5	Planning for the Historic Environment

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

This is a notification of works to three no. trees located in the rear garden of 'Shoulders'. The

application originally stated that the trees included two no. Sycamores and one no. Oak tree. However, the District Arboriculturist has advised that the trees are actually one on. Red Oak tree, one no. Norway maple and one no. Sycamore.

The location of the trees is such that despite their size and maturity, they are not considered to be of significant amenity value since they are not readily visible from the street scene.

The District Arboriculturist has advised that the works originally proposed, that is to reduce the overall height of the trees from 28ft to 20ft was too drastic, and that a maximum reduction of 30% would be more suitable. The description has since been amended to accord with this advice, and the proposal is to reduce the crowns of the trees by 25%.

It is therefore recommended that no objection be raised, and that no Tree Preservation Order is created.

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.