

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT**REF NO:** Y/23/10/TC**LOCATION:** Tall Trees
Chruch Raod
Yapton**PROPOSAL:** Various tree surgery within the Yapton (Church Lane) Conservation Area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	Section fell a Hawthorn hedge, Fell a group of Poplars, Fell one no. Laburnum, Reduce 6 no. Poplar trees on western boundary by 50%.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Several affected by the proposed works: please refer to description of application.
BOUNDARY TREATMENT	Open driveway to front, mature trees and hedging to perimeter.
SITE CHARACTERISTICS	Planning permission has been granted for a detached property on the site, which is currently under construction.
CHARACTER OF LOCALITY	The site is located within the Church Road/Main Road Yapton Conservation Area, which is predominantly of two storey detached properties of a traditional style, and is of a semi-rural character.

RELEVANT SITE HISTORY

Y/14/02/TC	Works to one Holm Oak Tree and one Walnut Tree, and fell one Sycamore Tree within the Yapton Conservation Area.	Withdrawn 14-02-2002
Y/15/02/T	Works to one Walnut Tree	Withdrawn 14-02-2002
Y/28/05/TC	Removal of 1no.Fir Tree within the Yapton Conservation Area	No Objection 18-05-2005
Y/75/06/T	Removal of 25% of top weight of 1no. Monterey Pine tree	Approve Cond 02-01-2007

Y/69/08/TC

Fell two large Poplars within the Yapton
(Church Lane) Conservation Area.No Objection
18-12-2008**REPRESENTATIONS****Representations received:**

Yapton Parish Council:

No Objection. The Planning Committee 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. The District Arboriculturist is consulted as a matter of course on all tree applications. In this instance he has raised no objection to the proposal.

CONSULTATIONS

Conservation Officer

Horticulturist

Conservation Area Advisory Com

Consultations responses received:

District Arboriculturist:

The trees are of some limited value. The line of Poplars (G5) are far too tall and need to be reduced by 50% in order to make them safe, and encourage new growth. The Cypresses Leyalndi as a hedge is a useful feature, but I do not suggest a TPO be placed on it.

The Hawthorn hedge (G3) is not of high quality. The laburnum which was probably planted some time ago is much stressed and diseased, and not appropriate to such a restricted area; it is not worthy of a Preservation Order.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area

Tree Preservation Order

Within the Church Road/Main Road Yapton Conservation Area

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:

[GEN3](#)
[GEN28](#)
[AREA2](#)

 Protection of the Countryside
 Trees and Woodlands
 Conservation Areas
PLANNING POLICY GUIDANCE
 PPS1
 PPS5

 Delivering Sustainable Development
 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 notification seeks consent to perform works to various trees within the Yapton Conservation Area. These works include the section felling of a Hawthorn hedge, the felling of a group of Poplars, the felling of one no. Laburnum tree, and the reduction of 6 no. Poplar trees on the western boundary by 50%.

The Hawthorns and Poplars to be felled are located towards the front of the site, and are visible from public view. However, they are not a prominent feature in the street scene, and as such are not deemed to be of sufficient amenity value to be worth of a Tree Preservation Order.

The remaining trees are located towards the rear of the site, and are not readily visible from public view, as such they too are not considered to be of significant amenity value to warrant a Tree Preservation Order.

The District Arboriculturist has been consulted and has advised that the trees are of limited value. The line of Poplars (G5) are far too tall and need to be reduced by 50% in order to make them safe and encourage new growth. The Cypresses Leylandi and Hawthorn hedges are not of high quality and are not deemed to be worthy of a Tree Preservation Order. The laburnum is much stressed and diseased, and not appropriate to such a restricted area; it is not worthy of a Preservation Order.

It is therefore recommended that no objection be raised to the proposed surgery to the trees.

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.