

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

REF NO: Y/32/13/TC

LOCATION: Yew Tree Nursing Home
North End Road
Yapton

PROPOSAL: Various tree surgery within Main Road/ Church Road Yapton conservation area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is as follows: 1. Existing Yew Tree (Y-01) - complete dead-wooding of the tree; modest reduction in length of side branches in way of existing building and to improve crown 'balance'; removal of ivy; and provision of a 600 wide shallow perimeter gravel soakaway to provide additional water with nutrients to the tree. 2. Existing Lawson Cypress Tree - fell LC-01 to LC-11, retaining LC-12 (slightly removed and off-set from old hedge line) plus stump removal to 250mm below ground level. Additional to the above but not requiring planning permission, it is proposed in respect of the Yew Tree to erect a 600mm high timber retaining structure to provide greater protection to the above ground root mass, together with application of additional mulch to 100mm below the retaining structure.
TOPOGRAPHY	The site is flat but is slightly higher than the level of the adjacent road/pavement.
TREES	On this side of the Nursing Home, there is the Yew Tree and the 12 Lawson Cypress Trees all the subject of this application. There are also a few trees along the site frontage one of which has branches touching LC-12.
BOUNDARY TREATMENT	There is a low retaining boundary wall to the front boundary with a simple post and rail fence located on the level of the nursing home site. To the southern boundary with Moonraker, there is a 1.8m high panel fence.
SITE CHARACTERISTICS	This is a large detached nursing home building set in its own fairly spacious grounds. The Lawson Cypress trees in question are located on the southern boundary of the property with the Yew Tree just to the north of these adjacent to the building.

CHARACTER OF LOCALITY

Within the Yapton Conservation Area. Attractive, sylvan residential area albeit fronting onto a main (B class) road.

RELEVANT SITE HISTORY

Y/65/98/TC	1) Remove all dead & decaying material to entire crown of 1 Beech tree. 2) Remove sections of decaying timber in upper crown of 1 Pine tree. Remove dead & diseased wood from crown, removal of long dead branches of 1 Monkey Puzzle tree.	Approve 04-01-1999
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The previous tree application referred to works to trees located elsewhere on the site.

REPRESENTATIONS

Representations received:

Yapton Parish Council: No comments have been received.
Conservation Area Advisory Committee: no objection.

Comments on Representations received:

Comments noted.

CONSULTATIONS

Conservation Officer
Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist: "I have read the tree consultant's report and surveyed the trees and support the proposed work as set out within the application."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area Boundary; and,
Within the Yapton 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

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 application has been lodged in order to benefit the existing Old Yew Tree (from which the nursing home takes its name) by increasing the amount of light, nutrients and water to the tree. The Lawson Cypress trees have a limited amenity value due to their location away from the road and their siting running at a right angle away from the road. However, LC-12 is considered to be a good specimen and is located nearest the road. The Council's Arboriculturist raises no objection to the proposed works.

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.