

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT**REF NO:** Y/37/11/TC**LOCATION:** Church House
Church Lane
Yapton**PROPOSAL:** Partially reduce crown of 1 no. Fir tree (T1) by approx 4m, 1 no. Fir tree (T5) by approx 3m & 1 no. Alder tree (T6) by approx 5m (within the Church Lane Conservation Area)**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Church House is set within grounds of approximately 4 hectares.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Nos 1 and 2 Church Cottages are raised up from the road.
TREES	The trees the subject of this application.
BOUNDARY TREATMENT	Brick and flint wall to front boundary of Nos 1-2 Church Cottages. 2 metre high wall to boundary of Church House fronting Church Lane.
SITE CHARACTERISTICS	Nos 1-2 Church Cottages are 2 storey semi-detached cottages faced in white render. Church House is a large, detached Grade II listed building, located in extensive grounds with high boundary walling to Church Lane and Church Road.
CHARACTER OF LOCALITY	Church Lane Conservation Area, semi-rural in character with St Mary's Church and paddocks located opposite the application site.

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	Withdrawn 14-02-2002
Y/15/02/T	Works to one Walnut Tree	Withdrawn 14-02-2002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
Y/23/10/TC	Various tree surgery within the Yapton (Church Lane) Conservation Area	No Objection 17-05-2010
Y/22/10/T	Lateral prune lower east branches by 2-3m and southern higher branches back by 2-3m to shape. Remove deadwood over 50mm in diameter to 1 No. Corsican Pine tree.	Approve Cond 19-05-2010
Y/61/10/TC	Removal of Yew tree stump, re-growth & roots within the Yapton (Church Lane & Main Road/Church Road) conservation area.	No Objection 08-10-2010

REPRESENTATIONS

Representations received:

Yapton Parish Council

Objection. A1 is a Thuya tree and has a TPO. A5 is described as a Fir Tree and A6 is an Alder Tree and may also be the subject of a TPO. It is suggested that Council records are checked. The Parish Council considers that where such major tree surgery is considered necessary by the applicant, it should be supported by an Independent Arboriculturist Report confirming the necessity of such work. The Parish Council considers that such major work will lead to irreversible damage and destroy the trees. There is no indication that this application has been made with the knowledge or consent of the landowners of Church House. There is a general lack of relevant information in support of the application.

1 Letter of Objection:

West Sussex Wildlife Protection: No surgery due to nesting birds.

Comments on Representations received:

The above trees are not covered by group Tree Preservation Order 1/74.

CONSULTATIONS

Council's Arboriculturist

Conservation Area Advisory Com

Consultations responses received:

Conservation Area Advisory Committee: No objection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Church Lane Conservation Area
Tree Preservation Order
Grade II listed building
PD Restriction

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

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 2No Fir Trees and 1No. Alder Tree are located within the grounds of Church House, adjacent to the side and rear boundaries of Nos 1 and 2 Church Cottages. The trees form part of a wider group of trees, which collectively is considered to have public amenity value. The works to the trees are requested in order to prevent blocked guttering, potential damp problems and reduce excessive overshadowing.

The Fir Trees are not readily visible in the streetscene, being sited at the rear and to the side boundaries of Nos 1-2 Church Cottages. Further, the Alder Tree is not clearly visible in the streetscene and could not be identified on the basis of the site plan and a site visit.

The trees are not considered to have significant public amenity value and are not considered to be worthy of Tree Preservation Order status.

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 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.