

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** Y/42/13/TC**LOCATION:** The Old Forge
Church Road
Yapton**PROPOSAL:** Pruning of 1 No. Acer (copper) 1 No. Beech (Copper) & 1 Corduline back to previous pruning points within the Yapton (Main Road/Church Road) Conservation Area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. All trees to be reduced by approx. 4 foot back to previous pruning points.
TOPOGRAPHY	Predominantly flat.
TREES	The trees in question are all located on the boundary of the Old Forge with the driveway to the Old Bakery.
BOUNDARY TREATMENT	The trees are all located behind a 1.5m high fence.
SITE CHARACTERISTICS	The site is a stone faced residential dwelling with brick quoins and a plain tiled roof, and is a Building of Special Character.
CHARACTER OF LOCALITY	The site is located within the Yapton Conservation Area, dominated by residential dwellings of a traditional style.

RELEVANT SITE HISTORY

Y/42/00/TC	Application to prune 1 Acer Maple, 1 Copper Beech & 1 Laburnum Tree (Within the Yapton Conservation Area)	No Objection 04-10-2000
Y/67/05/TC	Removal of 2 No. diseased Apple trees and pruning of 1 No. Copper Beech tree & 1 No. Copper Acer tree within the Yapton (Church Road) Conservation Area	No Objection 30-09-2005
Y/74/05/TC	Prune 1 Robinia Frisia (Golden Acacia) tree within the Yapton (Church Road) Conservation Area.	No Objection 28-10-2005
Y/51/09/TC	Pruning of 1no. Copper Beech, 1 no. Copper Acer & 1 no. Laburnum within the Yapton (Church Road) Conservation Area	No Objection 16-10-2009
Y/90/10/TC	Fell 1 No Laburnum tree within the Yapton (Church Road) Conservation Area	No Objection 10-12-2010

None.

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

Comments noted.

CONSULTATIONS

Council's Arboriculturist

Conservation Officer

Consultations responses received:

Conservation Area Advisory Committee: no objection.

District Arboriculturist: "I have surveyed the trees from the photographs and do not regard the trees as worthy of TPO in light of the proposed work which is acceptable."

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:

Within the Built Up Area;

Within the Yapton Church Road Conservation Area; and

Building of Special Character.

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

NPPF

National Planning Policy Framework

SUPPLEMENTARY POLICY GUIDANCE

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

This is a notification of the intention to perform works to trees within the Yapton Church Road Conservation Area.

The works proposed include the 4 foot reduction of 1 Acer, 1 Beech and 1 Cordyline. The trees are located to the side of the dwelling and are not a prominent feature in the street scene. Therefore they are not deemed to be of significant amenity value.

The District Arboriculturist has inspected the trees and has advised that they are not worthy of TPO status and as such there is no objection to the proposed works. It is therefore recommended that no objection be raised, or Tree Preservation Order be made.

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.