

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

REF NO: Y/80/14/TC

LOCATION: The Old Bakery
Church Road
Yapton

PROPOSAL: Crown reduction of 1 No. Yew tree to 2.13m & reduce width to 1.2m & fell 1 No. Apple tree within the Yapton Church Road / Main Road Conservation area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
TOPOGRAPHY	Predominantly flat.
TREES	The trees the subject of this application.
BOUNDARY TREATMENT	Close boarded fencing and mature trees and hedging surround the perimeter of the site.
SITE CHARACTERISTICS	The site is a two storey detached dwelling with white painted elevations, sash windows and a clay tiled roof, and is designated a Building of Special Character.
CHARACTER OF LOCALITY	The site is located in a residential road of predominantly two storey properties of a traditional style. The site is located within the Yapton Church Road Conservation Area.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations received:

Yapton Parish Council:-

No comments received.

Conservation Area Advisory Committee:-

No Objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Conservation Officer

Consultations responses received:

Council's Tree Officer:-

Comments:

- The outlined trees are situated in the high amenity landscape of Yapton Village. Both the outlined trees are located in a conservation area, but have no active TPO protection.
- The surrounding landscape mainly consists of smaller to medium sized specimens that do tend to be of the broad-leaved species.
- T1 is a mature apple that is clearly in poor condition. The crown does have large sections of dead mass, also it is clear there has been no annual growth this season. Also once pressure is applied to the stem there is a large amount of movement to the basal area. this would indicate imminent failure occurring
- As for T2, this yew tree is in very good condition and appears to have had a large annual growth increase. The outlined yew tree is also surrounded by juvenile oaks trees. The yew and the oaks have just begun to suppress each other, so a measure to prevent the continuation suppression/completion is likely to benefit both individuals.
- The submitted application has outlined the desire to prune T2 to 2 meters in height and reduce the lateral spread to 1.2 meters. Unfortunately the vertical reduction combined with the requested lateral reduction that has been requested, is more than the BS 3998:2010 section 7 will allow for. As it would be bad practice to put this outlined tree under unnecessary stress on this pruning exercise, it would be my suggestion that the height is kept at above 3.25 meters on this pruning regime to avoid this occurring. If the applicant would like to eventually bring down the height of this yew to allow the surrounding standards a chance to establish, a further application should be made at a future date

Recommendation:

- It would be therefore my recommendation that T1 should be felled as it appears to be Dead/diseased/dying and it is likely to fail in the basal area in its current condition.
- It would also be my recommendation that T2 should have the lateral reduction of 0.8 meters applied for, however the height should be brought down to 3.25 meters, not 2.13 meters as this is likely to have detrimental effects on the tree's health and vitality.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:-

Adopted Local Plan
Outside Built Area
Conservation Area
Building of Special Character

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, 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 proposed works to trees within the rear garden of The Old Bakery, Church Road.

The proposed works consist of the felling of 1 No. Apple tree and the reduction in height to 2.13m and reduction of the lateral spread to 1.2m of 1 No. Yew tree. An Inspection of the trees was carried out by the Council's Tree Officer who raised no objection to the felling of the Apple tree. However, concerns were raised regarding the works to the Yew tree as it was felt the reduction in height and lateral spread would have gone beyond the limitations of Section 7 of BS 3998:2010.

Therefore, it was advised by the Council's Tree Officer that the reduction in height of the Yew tree should be limited to 3.25m in order to ensure the on-going health and vitality of the tree. This proposal was accepted by the applicants and as such no objection is raised in relation to the proposed works.

RECOMMENDATION

NO OBJECTION

- 1 INFORMATIVE: The works hereby approved should consist of the felling of 1 No. Apple tree and the reduction in height to 3.25m and reduction of lateral spread to 1.2m of 1 No. Yew tree in accordance with the advice provided by Section 7 of BS3998:2010.
- 2 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.

- 3 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.