

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

REF NO: Y/84/20/TC

LOCATION: Church House
Church Lane
Yapton
West Sussex

PROPOSAL: Remove branch to 1 No. Fir Tree. Crown lift 1 No. Mulberry tree to 1m. Crown reduction of 1 No. Mulberry tree to height 9m and spread 13m within the Church Lane, Yapton Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located at Church House.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

Y/83/20/T	Reduce 1 No. Walnut tree by 1.5m on North aspect.	
Y/71/17/L	Listed Building consent for alterations at first floor level to provide additional ensuite bathroom	ApproveConditionally 07-03-18
Y/70/17/HH	Alterations at first floor level to provide additional ensuite bathroom, This application falls within the Church Lane, Yapton Conservation Area	ApproveConditionally 07-03-18
Y/110/15/L	Listed Building Consent for conversion of outbuilding to provide 2No. 1bed units.	
Y/106/15/L	Listed Building Consent for conversion of outbuilding to provide 2No. 1 bedroom independent accommodation units for rental purposes.	ApproveConditionally 31-03-16

Y/84/20/TC

Y/105/15/PL	Conversion of outbuilding to provide 2No. 1 bedroom independent accommodation units for rental purposes for short to medium term (1-28 nights) with access from Church Lane. This application affects the setting of a Listed Building.	ApproveConditionally 31-03-16
Y/37/11/TC	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)	No Objection 14-11-11
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 08-10-10
Y/47/09/DOC	Discharge of conditions 2 and 4 imposed upon appeal decision Y/29/07/	File Closed 26-10-09
Y/69/08/TC	Fell two large Poplars within the Yapton (Church Lane) Conservation Area.	No Objection 18-12-08
Y/75/06/T	Removal of 25% of top weight of 1no. Monterey Pine tree	ApproveConditionally 02-01-07
Y/28/05/TC	Removal of 1no.Fir Tree within the Yapton Conservation Area	No Objection 18-05-05
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	Withdrawn 14-02-02
Y/15/02/T	Works to one Walnut Tree	Withdrawn 14-02-02
Y/43/96/L	Application for Listed Building Consent for slate roof in lieu of flat, alterations and refurbishment	ApproveConditionally 11-10-96

Y/42/96	Slate roof in lieu of flat, alterations and refurbishment	ApproveConditionally 11-10-96
Y/86/90	Refurbishment of hobbies outbuilding including external staircase and conservatory (Previous approval Y/82/87-revised proposal).	ApproveConditionally 28-01-91
Y/81/87/L	Application for Listed Building Consent for refurbishment of hobbies outbuilding including external staircase and conservatory	ApproveConditionally 26-10-87
Y/82/87	Refurbishment of hobbies outbuilding including external staircase and conservatory	ApproveConditionally 26-10-87

Relevant planning history noted.

REPRESENTATIONS

No response from Parish Council.

No objection from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

I undertook a desktop review on October 5th 2020, which was adequate for me to determine the aforementioned Town & Country Planning Act 1990 (as amended) s211 Notice.

I am satisfied that the works proposed will not result in character of the surrounding area being diminished.

I raise No Objection to the works that have been applied for and see no reason to make a Tree Preservation Order in this instance.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary.
 Tree Preservation Order.
 Conservation area.
 Listed building.

DEVELOPMENT PLAN POLICIES**PLANNING POLICY GUIDANCE:**

NPPG	National Planning Practice Guidance
NPPF	National Planning Policy Framework

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/are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following comments from the officer it is recommended there be no objection to the works proposed.

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.