

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** EG/39/15/TC**LOCATION:** Brook Cottage
Church Lane
Eaastergate**PROPOSAL:** Reduce crown of 1 No. Weeping Willow to previous pruning points to leave final top height of 10m. Reduce crown of 1 no. Goat Willow tree back to previous pruning points to leave final top height of 8.5m. Reduce crown and crown lift of 1.5m to 1 no. Walnut tree to leave final top height of 8.5m within the Eastergate (Church Lane) Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The trees the subject of this notification but various trees within the site.
BOUNDARY TREATMENT	Front boundary has flint wall with wooden entrance gates approximately 1m in height, side and rear boundaries are close boarded fencing with established hedging approximately 1.8m-2m in height.
SITE CHARACTERISTICS	Grade II Listed Building with thatched roof and clay tiled addition on rear, flint and brick elevations with white wooden windows. Two outbuildings and garage in rear garden.
CHARACTER OF LOCALITY	Within the Conservation Area. The property is sited within a semi-rural location comprising a mixture of properties, Wilkes Head Public House to south of site.

RELEVANT SITE HISTORY

EG/60/13/TC	Cut the right hand stem at ground level to 1no No Objection Willow tree. Within the Eastergate (Church Lane) & Eastergate (Square) Conservation Areas	13-12-2013
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REPRESENTATIONS

Representations received:

Eastergate Parish Council

The Council is concerned as to the proposed impact on the Conservation Area and considers that the application should be referred to the Tree Officer for comment and advice.

Comments on Representations received:

Parish Council comments noted

See Tree Officer's recommendation.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Tree Officer

T1 Species: Weeping Willow *Salix* spp Height: 12 meters Average Branch
Spread: 4 meters Crown Condition: fair Form: good Age Class: semi mature

T2 Species: Goat Willow *Salix* spp Height: 12 meters Average Branch
Spread: 5.5 meters Crown Condition: good Form: good Age Class: semi mature

T3 Species: Walnut *Juglans* spp Height: 12 meters Average Branch
Spread: 6 meters Crown Condition: good Form: fair to good Age Class: semi mature

The trees highlighted in this application are not covered by a TPO; however they are situated in a conservation area.

The applicant has applied for the following reductions;

1. For T1, the applicant has applied to reduce back to the previous points. This would equate to a final top height of 10 meters. This action is unlikely to have a lasting negative impact to T1.

2. For T2, the applicant has applied to reduce back to the previous points. This would equate to a final top height of 8.5 meters. This action is unlikely to have a lasting negative impact to T2.

For T3, the applicant has applied to reduce back to the previous points. This would equate to a final top height of 8.5 meters and a crown lift of 1.5 meters. This action is unlikely to have a lasting negative impact to T3.

As the proposed operations are unlikely to have a negative impact on trees T1 - T3, I would have no objection to the proposed pruning operations.

Conservation Officer

Awaited

Conservation Area Advisory Committee

No objection

Comments on Consultation responses:

Tree Officer comments noted and agreed.

POLICY CONTEXT

Designation applicable to site:

Within the Church Lane Conservation Area
Grade II Listed Building
No Public Sewer

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

The notification seeks to carry out works to a Weeping Willow, Goat Willow and Walnut tree that are sited in the garden of Brook House. The trees are not covered by a Tree Preservation Order but are within the Conservation Area. All three trees are of a significant height and spread being of visual amenity value.

The Weeping Willow tree is sited on the boundary and is causing excessive overshadowing and overhanging Church Lane and the proposed works are to reduce it back to previous pruning points which would equate to a height of 10m.

The Goat Willow tree is sited to the rear of the property and is causing overshadowing and its branches are in close proximity to the adjacent outhouse. The works proposed are to reduce back to the previous pruning points which would equate to a height of 8.5m.

The Walnut tree is also causing overshadowing and is growing in close proximity to the Willow tree and the works proposed are to reduce it back to previous pruning points which would equate to 8.5m with a crown lift of 1.5m.

The Tree Officer has inspected the trees and has raised no objection to the proposed works and it is therefore recommended that no Tree Preservation Order be made or objection be raised.

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.