

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT**REF NO:** EG/42/09/TC**LOCATION:** The Old Stables
Eastergate House
Church Lane Eastergate**PROPOSAL:** Crown reduction and removal of some lower branches to 1 no Maple tree within the Eastergate Conservation Area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	One no. Red Maple (Acer Goldsworth Purple).
BOUNDARY TREATMENT	A Beech hedge approximately 1.8 -2m high forms much of boundary on which tree is located.
SITE CHARACTERISTICS	The site has recently been cleared in order to construct a new dwelling, which was granted planning permission under EG/65/08.
CHARACTER OF LOCALITY	The site is located within the Church Lane Conservation Area, which is a residential road of predominantly traditional style detached dwellings. There is a Church and farm located opposite the site.

RELEVANT SITE HISTORY

EG/17/96/TC	Fell two conifer trees within the Church Lane, Eastergate Conservation Area	No Objection 04-06-1996
EG/26/01/TC	Fell 2 Golden Macrocarpa trees within Eastergate Conservation Area	No Objection 09-07-2001
EG/95/05/TC	Various tree surgery (Within the Eastergate (Church Lane) Conservation area	No Objection 01-12-2005
EG/43/07/TC	Application to fell 1 x Macrocarpa & 1 x Lombardy Poplar & lop & top 1 x large Oak within the Eastergate (Church Lane) Conservation area.	No Objection 10-08-2007

REPRESENTATIONS**Representations received:**

Eastergate Parish Council

Awaited

Comments on Representations received:

None

CONSULTATIONS

Horticulturist

Conservation Area Advisory Com

Consultations responses received:

District Arboriculturist:

I visited the property recently, and confirm that the removal of the lower branches of the tree, and any crown reduction, will not have an adverse effect on its future, and will prevent any damage to it from the agreed development in the adjacent garden area.

Conservation Area Advisory Committee:

No Comment

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Listed Building Grade II

Conservation Area

Permitted Development Restriction

DEVELOPMENT PLAN POLICIES

South East Plan:	SEPBE6	Management of the Historic Environment
Arun District Local Plan:	GEN2 GEN7 AREA2 GEN28	Built-up Area Boundary The Form of New Development Conservation Areas Trees and Woodlands

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPG15	Planning and the Historic Environment

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

This is a notification of the intention to perform works to a tree within the Eastergate Church Lane Conservation Area. The tree is a Red Maple (Acer Goldsworth Purple), located on the western boundary of the site.

The tree is deemed to be of some amenity value, as whilst it is visible from the highway it is largely screened by a larger oak tree to the front.

The district arboriculturist has been consulted and has advised that the removal of the lower branches of the tree, and any crown reduction, will not have an adverse effect on the future of the tree and will prevent any damage to it resulting from the adjacent development.

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.