

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** EG/46/11/TC**LOCATION:** Land rear of Flint House
Church Lane
Eastergate**PROPOSAL:** Lop 1 no. Robina tree by approx. 3m in length within the Eastergate Square Conservation area**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above
SITE AREA	Approximately 1,058 sq metres
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	The tree the subject of this application. There are a variety of mature and younger trees in the rear garden of Flint House.
BOUNDARY TREATMENT	Rear boundary adjoining Mead Court, 2 metre high brick and flint wall.
SITE CHARACTERISTICS	Mead Court is a detached bungalow constructed from brick with white render and a tiled, pitch roof. The property is accessed via gravel driveway and is set back from the streetscene along Barnham Road. Flint House is a large, detached two storey dwelling constructed from brick and flint, situated to the rear of Mead Court. Flint House is Grade II listed.
CHARACTER OF LOCALITY	The site is within the Eastergate Conservation Area which is characterised by a variety of brick and flint cottages and larger two storey brick and flint dwellings, and properties of modern design and appearance.

RELEVANT SITE HISTORY

EG/8/95	Pitched tile roof to replace flat felt roof over garage and change of window pattern. New entrance porch	ApproveConditionally 30-03-1995
EG/9/95/L	Application for Listed Building Consent for pitched tile roof to replace flat felt roof over	ApproveConditionally 30-03-1995

garage and change of window pattern. New entrance porch.

EG/25/96/L	Application for Listed Building Consent for demolition of 6 metre length of rear garden wall	ApproveConditionally 01-08-1996
EG/23/76	Proposed garage	ApproveConditionally 14-04-1976

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

Council's Arboriculturalist
Conservation Officer

Consultations responses received:

Conservation Area Advisory Committee: No comment.

Arboriculturist: The application refers to a Robinia. The tree shows signs of stress with sparse 50% crown foliage cover, where some hang in dry/brown clumps and dead branches can be seen. The tree is not worthy of a Tree Preservation Order due to its poor condition.

West Sussex Wildlife Protection: No logging unless dead or dangerous.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:
Within Conservation Area
Grade II listed building

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

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

The Robinia tree is a mature tree, approximately 20 metres in height, situated within the rear garden of Flint House on the rear boundary adjoining Mead Court. Given the height and spread of the tree, the canopy is visible from Church Lane.

The application seeks to remove overhanging branches, which currently touch the roof of the adjoining property at Mead Court. The works proposed seek to remove dead and overhanging branches and to lop the tree by approximately 3 metres.

The Council's Arboriculturist has been consulted and notes that the tree shows signs of stress with sparse 50% crown foliage cover. Dry, brown clumps and dead branches are visible. The tree is not considered to be worthy of a Tree Preservation Order, owing to its poor condition and limited public amenity value, and no objection is raised towards the proposed works.

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.