

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

REF NO: EG/62/12/TC

LOCATION: Shannock
Church Lane
Eastergate

PROPOSAL: Trimming of 1 no. Beech tree by 7m all round within the Church Lane Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	The Beech tree the subject of this notification but various trees within and around the site.
BOUNDARY TREATMENT	Front has flint wall + fencing, side boundaries fencing + hedging.
SITE CHARACTERISTICS	Detached bungalow with conservatory on side.
CHARACTER OF LOCALITY	Detached properties of various styles and designs, Public House and School to south of site.

RELEVANT SITE HISTORY

None.

REPRESENTATIONS

Representations received:

Eastergate Parish Council

The Council is concerned at the amount of reduction requested in this application. The Council is content to be guided by the District Council Tree Officer in regard to this matter. The minimum amount should be removed.

1 Letter of Support

Beech tree has grown to a considerable height and causing shading in our adjoining garden.

1 Letter of Rep

The West Sussex Wildlife Protection Group are of the opinion that no surgery should be carried out unless dead or dangerous.

Comments on Representations received:

See Arboriculturist's comments.

CONSULTATIONS

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist

The Beech tree is a good specimen and clearly visible from the highway. I would recommend that a Tree Preservation Order be made to preserve the tree from poor and unnecessary tree pruning.

Comments on Consultation responses:

Comments noted.

The Beech tree is of significant public visual amenity and a Tree Preservation Order is to be made.

POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary
Within the Conservation Area
No Public Sewer

DEVELOPMENT PLAN POLICIES

Arun District Local Plan: [AREA2](#) Conservation Areas

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.

Section 198 of the Town and Country Planning Act 1990 states:

"If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity.

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 Beech tree is sited within the Conservation Area and is not covered by a Tree Preservation Order. It is sited to the front of the property in the north west corner behind the boundary wall and is readily visible in the street scene being of significant public visual amenity.

The notification seeks to trim the tree by 7m all round as it is overshadowing part of the garden of the neighbouring property Mallaig. The Council's Arboriculturist has inspected the tree which he confirms is a good specimen and in view of no arboricultural justification for the proposed reduction he recommends that a Tree Preservation order be made to preserve the tree from poor and unnecessary tree pruning.

It is therefore recommended that an objection be raised to the surgery and a Tree Preservation Order be made.

RECOMMENDATION

OBJECTION