

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

**REF NO:** EG/70/14/TC

**LOCATION:** Rear garden of  
Flint House/Mead Court  
Chruch Lane Eastergate

**PROPOSAL:** Fell 1no Robina tree within the Eastergate Square Conservation Area.

**SITE AND SURROUNDINGS**

|                                       |                                                                                                                                                                                               |
|---------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF APPLICATION            | As above                                                                                                                                                                                      |
| SITE AREA                             | N/A                                                                                                                                                                                           |
| RESIDENTIAL DEVELOPMENT DENSITY (NET) | N/A                                                                                                                                                                                           |
| TOPOGRAPHY                            | Predominantly flat                                                                                                                                                                            |
| TREES                                 | None of any significance affected by the proposed development.                                                                                                                                |
| BOUNDARY TREATMENT                    | Rear boundary has a 2m high brick and flint wall supplemented by mature hedging and tree screening.                                                                                           |
| SITE CHARACTERISTICS                  | Detached two storey dwelling constructed from brick and flint which is a Listed Building.                                                                                                     |
| CHARACTER OF LOCALITY                 | Within the Eastergate Conservation Area which is characterised by a variety of brick and flint cottages and larger two storey dwellings, some of which are of a modern design and appearance. |

**RELEVANT SITE HISTORY**

|             |                                                                                              |                            |
|-------------|----------------------------------------------------------------------------------------------|----------------------------|
| EG/46/11/TC | Lop 1 no. Robina tree by approx. 3m in length within the Eastergate Square Conservation area | No Objection<br>04-10-2011 |
|-------------|----------------------------------------------------------------------------------------------|----------------------------|

**REPRESENTATIONS**

**Representations received:**

Eastergate Parish Council

The Council has referred to Policy ES10 of the Neighbourhood Plan. The Council accepts that there is a conflict between damage to an ancient wall and the loss of a protected tree. On balance the Council agrees to the loss of the tree if that can be achieved without damage to the wall.

**Comments on Representations received:**

Parish Council comments noted.

## CONSULTATIONS

Arboriculturist

### Consultations responses received:

Tree Officer

Species: Robina spp Height: 10 meters

Average Crown Spread: 2.5 meters Crown

Condition: poor

Form: fair

Age Class: mature

This tree is situated in the centre of the Eastergate village. It is not visible from the main highway, as it is planted almost flush in the rear garden boundary of Flint house, which borders Mead house. From a visual tree inspection I did identify at least 30% deadwood within the crown of this tree. From its height and stem size, this would indicate a mature specimen. From the site inspection, it is clear that the incremental growth of the main stem is forcing the boundary wall towards Mead house (this wall is listed). Since this tree is in poor condition, it has a sort retention span, it has poor arboricultural merit (up to 30% deadwood within the crown) and it is affecting a boundary wall, my recommendation would be to fell and replant in a more suitable location.

Having spoken to the owner of the tree on my visit, he indicated he wished to replant with an oak sapling that had been cultivated from a parent tree that was located in the churchyard where he and his wife got married. He also indicated he would like to replant a few meters in from the boundary wall, but in the same vicinity. As this replacement will have a greater presence (eventually) than the current Rhobina, and the oak replacement will keep in situ with the local landscape, I am more than happy to approve the suggested replacement.

Conservation Area Advisory Committee

No objection.

### Comments on Consultation responses:

Tree Officer comments noted and agreed.

## POLICY CONTEXT

Designation applicable to site:

Built Up Area Boundary

Listed Building Grade II

Within the Conservation Area

## DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003: [AREA2](#)

Conservation Areas

[Publication Version of the Local Plan - Excluding the Spatial Portrait, Employment, Housing Allocations, Transport, Monitoring and Implementation sections \(February 2014\):](#)

HER DM3 Conservation Areas

[Barnham & Eastergate Neighbourhood Plan 2014](#) Trees and hedgerows  
[POLICY ES10](#)

## PLANNING POLICY GUIDANCE

### POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under References ID 36-090-20140305 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 Robina tree is a mature tree is sited within the garden of Flint House on the rear boundary with Mead Court. Given the height and spread the canopy is visible from Church Lane.

The notification seeks to fell the tree as it is leaning over and growing against the listed boundary wall and is causing damage to the wall. Surgery to the tree was previously carried out in October 2011 under EG/46/11/TC. The Tree Officer has inspected the tree which is in poor condition with considerable deadwood in the crown and he has recommended that the tree be felled and a replacement tree be planted in a more suitable location. The applicant has agreed to replant with an Oak tree in a more suitable location.

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.

- 3      INFORMATIVE: As agreed by the Tree Officer the applicant shall during the next planting season plant an Oak tree in the rear garden a few metres away from the boundary wall.