

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT**REF NO:** A/118/10/TC**LOCATION:** Tall Trees
High Street
Angmering**PROPOSAL:** Fell 4No. Cherry trees, 6No. Cupressus, 2No. Sycamore, 3No. Apple trees and 1No. Rowan tree within the Angmering Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	The application seeks permission to fell 16No. trees within the Angmering Conservation Area.
SITE AREA	Approximately 7989 square metres.
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Many trees within the site, none considered worthy of being placed under a Tree Preservation Order.
BOUNDARY TREATMENT	Various hedging and post and rail fencing approximately 1.4m high enclosing the rear and sides of the site. Timber fencing to front boundary approximately 1.6m high
SITE CHARACTERISTICS	Detached 2 1/2 storey property set within a large site with mature gardens surrounding the main building. White painted brick elevations, hipped red tile roof with central gable section. Single storey addition to the west elevation and double garage, separate bungalow to eastern elevation. Small cottage within the rear garden.
CHARACTER OF LOCALITY	The site is located within the Angmering Conservation Area. Mix of types and styles of detached properties within close proximity. Open grazing land to the east and south of the site

RELEVANT SITE HISTORY

A/8/92/TC	Notice of intent to top 5 Macrocarpa trees and remove overhanging branches of 1 Poplar tree within the Angmering Conservation Area.	No Objection 19-02-1992
A/17/96/TC	Fell 1 Macrocarpa tree and deadwood 4 Macrocarpa trees within the Angmering Conservation Area	No Objection 20-03-1996

REPRESENTATIONS

Representations received:

Angmering Parish Council

Objection until a full report from the Arun District Council tree expert is made available detailing the justification for felling trees rather than reducing or pollarding them.

1 Letter of objection: No felling unless dead or dangerous.

Comments on Representations received:

Comment on Angmering Parish Council Response:

The proposed application is a notification of works to trees within a Conservation Area. The application does not require a report as to works proposed, nor is it the responsibility of Arun District Councils Arborist to give a report as to the justification of the works. The trees are set back from the front boundary of the site which is enclosed by many other mature trees, therefore the trees subject of the application are not readily visible from the public domain. Further there are many other trees within the site and the removal of the proposed trees would not detract from the green appearance of the site.

Comment on other representation:

The application is for a notification of works to trees within a Conservation Area. The trees are not considered to be worthy of being placed under the protection of a Tree Preservation Order in that they do not significantly contribute to public visual amenity of the area, therefore the works can proceed as per the application.

CONSULTATIONS

Conservation Officer

Council's Arboriculturalist

Conservation Area Advisory Com

Consultations responses received:

Conservation Area Advisory Committee: Objection, refer to the arboriculturalist to look at the affect of the loss of such a large number of trees.

Comments on Consultation responses:

The trees subject of the application are not considered worthy of being placed under a tree preservation order given that they are not readily visible from the street scene and thereby they do not comply with the test of making Tree Preservation Orders.

POLICY CONTEXT

Designation applicable to site:

Outside the built-up area boundary

Conservation Area

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

[GEN3](#)
[GEN7](#)

Protection of the Countryside
The Form of New Development

PLANNING POLICY GUIDANCE

PPS1

Delivering Sustainable Development

SUPPLEMENTARY POLICY GUIDANCE

XXX1

Circular 36/78

XXX2

DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

TREES

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

TREES CA

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 application seeks Consent to fell 16No. trees within the Angmering Conservation Area, comprising of; 4No. Cherry trees, 6No. Cupressus trees, 2No. Sycamore trees, 3No. Apple trees and 1No. Rowan trees.

The trees are located within the front and rear gardens of the site which are both enclosed by mature trees and hedging. The trees on the northern (front) boundary of the site (not subject to this application) are mature and largely screen the other trees set back within the site from public vantage points. The trees subject of the application are therefore not considered to significantly contribute to public visual amenity given the screening of the trees forming the boundary.

Although it is noted that the application seeks to fell a large number of trees, the site has many mature trees and their loss would not detract from the visual amenity of the site. Also the removal of the trees would enhance the amenity of some others within the site to the benefit of the character and appearance of the Conservation Area and private amenity of the dwelling.

It is considered that the trees do not comply with the test of making Tree Preservation Orders and therefore it is recommended that no objection be made and the felling of the 16No. trees within the Conservation Area. The application should thereby proceed as per the notification.

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.