

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

**REF NO:** A/124/12/TC

**LOCATION:** The Old House  
High Street  
Angmering

**PROPOSAL:** Remove large branch of 1no Judas tree by 1.82 metres within the Angmering Conservation Area

**SITE AND SURROUNDINGS**

|                             |                                                      |
|-----------------------------|------------------------------------------------------|
| DESCRIPTION OF APPLICATION  | As above.                                            |
| SITE AREA                   | N/A                                                  |
| RESIDENTIAL DEVELOPMENT DEN | N/A                                                  |
| TOPOGRAPHY                  | Rear garden slopes up from the rear of the dwelling. |
| TREES                       | Subject of the application.                          |
| BOUNDARY TREATMENT          | Various hedging and fencing.                         |
| SITE CHARACTERISTICS        | Semi detached Grade II Listed Building.              |
| CHARACTER OF LOCALITY       | Residential part of Angmering Conservation Area.     |

**RELEVANT SITE HISTORY**

None

**REPRESENTATIONS**

**Representations received:**

Angmering Parish Council

No objection.

**Comments on Representations received:**

Noted.

**CONSULTATIONS**

Council's Arboriculturist

Conservation Officer

**Consultations responses received:**

CONSERVATION AREA ADVISORY COMMITTEE: No comment.

**TREE OFFICER:**

I have inspected the old tree. It would not be possible to justify the placement of a TPO due to its structurally impaired condition. If there is a need to have this tree removed because it is severely causing an obstruction to passing vehicles then it should be cut to a suitable growing point behind the wall in an attempt to retain it.

**Comments on Consultation responses:**

Comments noted.

**POLICY CONTEXT**

Designation applicable to site:

Conservation Area

Grade II Listed Building

**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**

**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 tree is structurally impaired, therefore regardless of its amenity value it is not appropriate to consider this tree worthy of a preservation order. It is therefore recommended that no objection be raised, or Tree Preservation Order be made and the works should 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.