

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** A/146/14/TC**LOCATION:** St Margrets Church
Arundel Road
Angmering**PROPOSAL:** Reduce height and spread of 1No. Silver Birch by up to 6m, ensuring that pruning is restricted to branches of no more than 70mm diameter within the Angmering Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	n/a
TOPOGRAPHY	Predominantly flat
TREES	The tree that forms the subject of this application.
BOUNDARY TREATMENT	The main boundaries to the site comprise of walling, hedging and trees of mixed heights but generally above 1m.
SITE CHARACTERISTICS	The application site comprises the Grade II Listed St. Margaret's Church with a churchyard to rear and vehicle parking to front.
CHARACTER OF LOCALITY	The site is located within the village centre of Angmering with many other large trees in the churchyard and the surrounding area.

RELEVANT SITE HISTORY

A/138/08/TC	Surgery to two Yew trees within the Angmering Conservation Area.	No Objection 15-12-2008
A/78/13/TC	Fell 1No. dead Western Red Cedar. Reduce height of 3No. Western Red Cedars to between 4m-4.5m above ground level and lift crown overhanging adjacent garage block to provide 1m clearance above roof. Reduce tips of branch extending over garage block by 1.5m. Sever Ivy at base of trees. Reduce height of Sweet Bay to same level as Western Red Cedars within the Angmering Conservation Area.	No Objection 26-07-2013
A/54/14/TC	Fell 4 no. Wild Plum Trees and replace with 2	No Objection

no. Liquidambar Straciflua and 2 no Acer
Negundo. Fell 1 no. Western Red Cedar.
Removal of a single limb to a Sycamore. Cut
back one limb to a Sycamore. All within the
Angmering Conservation Area.

19-06-2014

A/73/14/T

Crown reduction of 1 m of new growth from
top and sides and removal of major dead
wood to 1 no. Yew Tree

ApproveConditionally

08-07-2014

REPRESENTATIONS

Representations received:

Awaited.

Conservation Area Advisory Committee
No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist
Conservation Officer

Consultations responses received:

Council's arboriculturalist
No objection.

This pruning activity has been allowed to take place historically. The previous pruning points coincide with a height/vertical reduction. It is also clear that some of the top western extremities of the crown are overhanging an active chimney. This poses a real fire hazard (especially once the Birch has gone dormant).

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The policies in the Arun District Local Plan are general and, other than National Planning Practice Guidance under References ID: 36-001-20140306, 36-008-20140206 and 36-012-20140306 accessed on-line on 06-08-2014, 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 Silver Birch tree is situated in the southern corner of the car park which is situated to the front of St. Margaret's Church. The reason for the proposed pruning works to its height and spread according to the applicant is due to its overhang on to the neighbouring property, interfering with its television reception and is situated in close proximity to its chimney which creates a fire hazard.

The Council's arboriculturalist has no objection to the works. A Tree Preservation Order is therefore not required in this instance as the tree offers limited visual amenity value and there are other trees of greater height and crown spread in the immediate area.

It is therefore recommended that no objection be raised and the works may 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.
- 3 **INFORMATIVE:** The applicant is advised of the Council's arboriculturalist comments in that the crown reduction should not exceed the removal of single branch lengths which are greater than 1m from the periphery of the original crown diameter. The branch

removals should leave healthy substantial leaf bearing side branches. All side branches to be retained should be at least 1/3rd in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 100mm in diameter.