

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

REF NO: A/54/14/TC

LOCATION: St Margarets Church
Arundel Road
Angmering

PROPOSAL: Fell 4 no. Wild Plum Trees and replace with 2 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.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
SITE AREA	n/a
TOPOGRAPHY	Predominantly flat
TREES	Those trees that are the subject of this application.
BOUNDARY TREATMENT	Natural stone walling and hedging defines the boundaries to the site.
SITE CHARACTERISTICS	The site is occupied by St. Margaret's Church which is a Grade II Listed Building and its churchyard.
CHARACTER OF LOCALITY	The site is located within the village centre of Angmering with many other large trees in the area.

RELEVANT SITE HISTORY

A/123/08/TC	Reduce height & width of 1no. Silver Birch tree (Within the Angmering Conservation Area)	No Objection 24-10-2008
A/138/08/TC	Surgery to two Yew trees within the Angmering Conservation Area.	No Objection 15-12-2008
A/82/13/TC	Proposed removal of Elder tree behind Vestry Hall of St Margarets Church - Within the Angmering Conservation Area	No Objection 02-08-2013

REPRESENTATIONS

Representations received:
No objection.

Conservation Area Advisory Committee

Clarification of Western Red Cedar required - acceptable to cut limb but not acceptable to fell tree.

Comments on Representations received:

Comments noted from the Conservation Area Advisory Committee. However, the Council's arboriculturalist has no objection to the proposed works and the tree does not make a significant contribution to visual amenity to require a Tree Preservation Order.

CONSULTATIONS

Arboriculturist

Conservation Officer

Consultations responses received:

Conservation Officer

No objection. The works are for safety or to abate a nuisance.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

DEVELOPMENT PLAN POLICIES

Arun District Local Plan 2003:

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

TREES

The above policies are general and, other than National Planning Practice Guidance under ID-36-119-20140306 accessed on-line on 19-06-2014, 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 trees for consideration in this application are located at various points around the churchyard with 4No. Plum trees between St. Margaret's Church and the vestry hall. The trees by virtue of their location and size do not warrant a Tree Preservation Order and owing to the abundance of

other more visually significant trees within the vicinity.

The Council's arboriculturalist has no objection to the works and considers the works necessary for safety or to abate a nuisance.

As such the trees are not worthy of a Tree Preservation Order and the works can therefore 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.