

Recommendation Report for Prior Notification of Work to Tree(s) in a Conservation Area**REF NO:** A/78/13/TC**LOCATION:** St Margarets Church
Angmering**PROPOSAL:** 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.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above. The trees in question are located within the churchyard of St. Margaret's Church along its eastern boundary.
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 a churchyard as part of St. Margaret's Church, a Grade II Listed Building.
CHARACTER OF LOCALITY	The site is located within the village centre of Angmering with many other large trees.

RELEVANT SITE HISTORY

A/127/05/TC	Minimal lopping and topping of 1 No. Silver Birch tree within the Angmering Conservation Area	No Objection 28-11-2005
A/159/06/TC	Lop branches of 1 No. Sycamore tree within the Angmering Conservation Area	No Objection 17-11-2006
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

REPRESENTATIONS

report

Representations received:

Angmering Parish Council

An objection. We agree to the removal of the dead Western Red Cedar and the ivy around the base of the trees but object to the reduction of the 3 Western Red Cedars and Sweet Bay. We believe a tree surgeons report is needed.

Comments on Representations received:

Noted. However, the Council's arboriculturalist has examined the trees and found the works to be acceptable. This is considered sufficient validation in order to assess this application.

CONSULTATIONS

Council's Arboriculturist

Conservation Officer

Consultations responses received:

Council's Arboriculturist

The affected trees provide low visual impact and individually they do not require a TPO at this time, despite the above proposed pruning/felling works.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Within the built up area boundary
Conservation Area
Listed Building Grade II

DEVELOPMENT PLAN POLICIES

Arun District Local Plan:

PLANNING POLICY GUIDANCE

SUPPLEMENTARY POLICY GUIDANCE

XXX1	Circular 36/78
XXX2	DETR TPO's A guide to Law and Good Practice

POLICY COMMENTARY

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

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 are not considered to be a significant feature within the locality and do not contribute to public visual amenity. The Council's arboriculturalist has assessed the trees and determined that the proposed works to be acceptable. 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.