

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

REF NO: A/79/13/TC

LOCATION: Garden House
High Street
Angmering

PROPOSAL: Surgery to 1 No. Bay Tree & 1 No. Euonymus Tree within the Angmering Conservation Area

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposed surgery to the Bay tree and Euonymous tree consists of cutting back branches as they are currently overhanging the boundary wall on to Honey Lane. The trees are therefore situated to the rear of the property along its western boundary.
TOPOGRAPHY	Predominantly flat
TREES	Those trees that are the subject of this application.
BOUNDARY TREATMENT	Concrete post and metal chain fencing to front at under a metre in height. Trees at over 2m in height to rear.
SITE CHARACTERISTICS	A detached two storey property which is Grade II Listed. Front elevation is natural stone and flint with brick window capping and quoins. The side elevation fronting Honey Lane is smooth rendered and painted white. A number of significantly tall trees are evident in the rear garden other than the subject trees.
CHARACTER OF LOCALITY	Located in the centre of Angmering village, the area is predominantly residential in character. Two storey detached properties prevail of various heritage. The High Street has a number of tall trees which offer significant visual amenity within the street scene.

RELEVANT SITE HISTORY

A/50/92/TC	Notice of intent to lop 1 Weeping Ash, 1 Sycamore, 1 Bay, 1 Euonymus Japonicus, 1 Fig Tree within the Angmering Conservation Area	No Objection 15-05-1992
A/66/07/TC	Application to lop & remove dead wood from five various trees within the Angmering Conservation Area.	No Objection 08-06-2007

REPRESENTATIONS

Representations received:

Angmering Parish Council

No objection.

Conservation Area Advisory Committee

No objection.

Comments on Representations received:

Noted.

CONSULTATIONS

Conservation Officer

Council's Arboriculturist

Consultations responses received:

Council's Arboriculturist

No objection. The trees are not significant to warrant their retention and protection.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Within 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 Bay tree and Euonymus tree are not considered to be a significant feature within the locality and do not contribute to visual amenity. The Council's arboriculturalist has no objection with the proposal to cut back overhanging branches which is required for good maintenance of the trees. As such the trees are not considered 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.