

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT

REF NO: AB/137/09/TC

LOCATION: Arundel Castle
London Road
Arundel

PROPOSAL: To carry out crown reduction of 20% on Horse Chestnut trees within the grounds of Arundel Castle within the Arundel Conservation Area.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Located on a hillside.
TREES	The trees subject of the application.
BOUNDARY TREATMENT	Walls enclosing the boundaries of the castle
SITE CHARACTERISTICS	Arundel Castle Grade I Listed Building, various buildings within the site, gated entrances. Mature gardens surrounding Arundel Castle, trees located to the north-east of the castle. Large pond within the grounds.
CHARACTER OF LOCALITY	Sited within the Arundel Conservation Area, High Street to the south-west of the site. Rural appearance to the north-east side of the castle.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Arundel Town Council

No objection, subject to the proposal being acceptable to the Councils Arborist.

Comments on Representations received:

Noted

CONSULTATIONS

Horticulturist

Conservation Area Advisory Com

Consultations responses received:

Conservation Area Advisory Committee: No objection

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
Outside the Built-up Area
Conservation Area
Ancient Monument
Class C Road
Grade I Listed Building
Area of Outstanding Natural Beauty

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	AREA2	Conservation Areas
	AREA16	Ancient Monuments + Sites of National Archaeological Interest
	AREA4	Historic Parks and Gardens

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
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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 proposed application seeks permission for a Crown Reduction of 20% on Horse Chestnut trees located within the grounds of Arundel Castle adjacent to the south-west wall adjoining the

High Street.

The Horse Chestnut trees overhang the castle wall adjoining the High Street and can be viewed from public vantage points. The trees are considered to significantly contribute to public visual amenity, however given their protection within the Arundel Conservation Area and siting within the grounds of Arundel Castle it is considered that the trees will not be made the subject of a tree Preservation Order as they are considered to be sufficiently protected. The proposed works are not considered to result in an unacceptable loss of amenity to the Horse Chestnut trees.

It is therefore recommended that no Tree Preservation Order be made to the Yew trees and Sycamore tree and works should proceed as per the application.

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.