

NOTIFICATION OF WORKS TO TREES IN A CONSERVATION AREA REPORT**REF NO:** AB/139/09/TC**LOCATION:** Home Farm
Mill Road
Arundel**PROPOSAL:** To fell 15 sycamore that overhang old farm buildings and remove 1 redwood planted very close to listed building within the Arundel Conservation Area.**SITE AND SURROUNDINGS**

DESCRIPTION OF APPLICATION	As above.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Slight upwards slope from east to west.
TREES	There are a number of large mature trees positioned within the site as well as surrounding the site itself. These are generally located away from the buildings. The Sycamore trees that are subject of this application are close to the west boundary and overhang the boundary wall and roofs of the buildings. The redwood tree is positioned close to Dairy House and is isolated.
BOUNDARY TREATMENT	There is an approximately 1.5 metre high flint wall on the western boundary. Other boundaries of the site are bordered by woodland to the east and south and Swanbourne Lake to the north.
SITE CHARACTERISTICS	The site is occupied by two Grade II Listed Buildings which are single storey in height, although Dairy House contains rooms in the roof and has dormer windows. The gardens to the front of the site are landscaped and feature clusters of large trees.
CHARACTER OF LOCALITY	The site is located at the end of a narrow track that branches off from Mill Road. It is adjacent to the grounds of Arundel Castle and the castle itself is nearby to the south. There is a dense wooded area to the north and east whilst the site backs onto Swanbourne Lake to the north. The buildings are isolated with none others, with the exception of the castle, visible and this produces a rural characteristic.

RELEVANT SITE HISTORY

None

REPRESENTATIONS

Representations received:

Arundel Town Council

The Committee supports the comments of the Conservation Advisory Committee and objects to the trees being removed unless it is in the interests of the conservation of the building and, if felled, they should be replaced.

Comments on Representations received:

Noted. The trees subject of this application do not have Tree Protection Order status, the assessment is being made as to whether they are of a quality that would make them worthy of such an order. Conditions cannot be attached to consent given for works to trees that are not subject of a Tree Preservation Order.

CONSULTATIONS

Horticulturist

Conservation Area Advisory Com

Consultations responses received:

Trees should only be removed if in the interest of the conservation of the Listed Building. Felled trees should be replaced.

Comments on Consultation responses:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside Built-Up Area

Area of Outstanding Natural Beauty

Conservation Area

Grade II Listed Building

Site of Local Interest for Nature Conservation

Scheduled Ancient Monument

DEVELOPMENT PLAN POLICIES

South East Plan:

Arun District Local Plan:	GEN3	Protection of the Countryside
	GEN7	The Form of New Development
	GEN28	Trees and Woodlands
	AREA2	Conservation Areas

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS7	Sustainable development in rural areas
PPG15	Planning and the Historic Environment

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to the character and appearance of the Conservation Area.

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

It is considered that the proposed removal of trees is acceptable as they are not easily visible from public land. In addition, the Sycamore trees are at the edge of a dense collection of trees that have an overall visual amenity value and, due to the amount of trees in the group, it is not considered that this amenity value would be harmed. The redwood tree is isolated and does not relate well to the surrounding woodland which is made up of different species of tree. The trees therefore do not significantly contribute to public visual amenity to warrant being made the subject of a Tree Preservation Order.

It is therefore recommended to raise no objections be made and the proposed works shall 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.