

Recommendation Report for Works to Tree(s) on trees subject to a Tree Preservation Order (TPO)

REF NO: P/90/22/T

LOCATION: Church Farm Holiday Village
Church Lane
Pagham
PO21 4NR

PROPOSAL: 3no. Horse Chestnut (T1, T2, T3):
- Reduce height and radial spread of crown to leave a minimum of 10m and 5m respectively.
- Remove small diameter branches (<60mm diameter) as necessary to achieve maximum 1metre clearance from all around light column/head, building and to ensure unobstructed view of holiday park sign.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees (T1-T3) are situated to the east of the entrance to Church Farm Holiday Village, close to the northern boundary of the site.
SITE CHARACTERISTICS	Large holiday park.
CHARACTER OF LOCALITY	Primarily residential.
None.	

REPRESENTATIONS

Pagham Parish Council - No Objection:

- Concern that the trees at their current height act as an acoustic barrier for the air conditioning units sited on top of a roof behind the trees. The impact on noise levels should be assessed before agreeing to the work.
- A properly qualified tree surgeon should carry out the work.

No representation received from nearby occupiers.

COMMENTS ON REPRESENTATIONS RECEIVED:

Noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Tree Officer

T1 appears to be in a fine physiological condition. Perhaps benefiting most from group cohesion/shelter and displaying an attractive crown profile. Light branches close to building. Large old tear-out wound at

crown-break.

T2 appears to be in a fair physiological condition. Like T3 it has erratic form, no doubt shaped by exposure to coastal winds but also some evidence of historic poor pruning/storm damage (irregular unoccluded wounds and subsidiary stem/scaffold limb truncation).

T3 appears to be in a fair physiological condition. Moderate crown density and localised tip dieback (pronounced on S aspects) may be strongly associated with exposure to salt-laden winds.

These trees form a cohesive group offering mutual protection. They are visually impressive in the landscape and of high public amenity value.

Conclusions:

These trees require careful management that respects their age and vulnerability to environmental factors and disease progression.

The principle of initiating whole crown reduction pruning to mitigate risk of large-part failure is sound.

My assessment of height and spread differs slightly from that provided by the applicant/agent. I assume they have measured crown spread by diameter rather than radius.

It is important to avoid excessive loss of crown volume from pruning.

The applicant proposes a 2m reduction of top height and spread. If the full extent of meterage is applied on all aspects (even when based on my own more extensive crown volume assessment) that would exceed the recommendations in British Standard 3998:2010 Tree Work - Recommendations; likely to result in harm to the health and vitality of the trees with large pruning wounds being formed as well as undermining their visual amenity value and impact in the landscape.

The removal of dead branches is an exception and does not require notification to or prior consent from the local planning authority.

Recommendation:

As it stands, I am unable to support this application. I would like the applicant to be invited to agree to a revised proposal (such as described below) as part of the current application so as not to incur further delay. Such work would improve conditions at the site whilst preventing a diminution of the trees' landscape and public amenity value:

T1-T3 incl.

- Reduce height and radial spread of crown to leave a minimum of 10m and 5m respectively.
- Remove small diameter branches (<60mm diameter) as necessary to achieve maximum 1metre clearance from all around light column/head, building and to ensure unobstructed view of holiday park sign.

If the applicant agrees to the above proposal, then I would be able to recommend APPROVAL subject to the following condition.

COMMENTS ON CONSULTATION RESPONSES:

Agent agreed to revised proposal.

POLICY CONTEXT

Built Up Area Boundary
 TPO
 Pagham Harbour Zone A
 2km Buffer for Site of Special Scientific Interest

DEVELOPMENT PLAN POLICIES**PLANNING POLICY GUIDANCE:**

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The above policies are general and, other than online Planning Policy Guidance under references ID 36-090-20140306 and ID 36-091-20140306, are not specific to trees.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 198 of the Town and Country Planning Act 1990 states:
 "If it appears to a Local Planning authority that it is expedient in the interest of amenity to make provision for the preservation of trees.... they may for that purpose make an order"

The works to the trees are to be judged having regard to amenity

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

Following the comments from the Tree Officer and agreed change of specification with agent, it is recommend consent be granted, subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this

report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010

Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interests of the trees' continued health and vitality and to accord with current industry guidelines and sound arboricultural practice.
- 2 INFORMATIVE: The optimum time for undertaking significant pruning of horse chestnut is during the late spring to summer period (May to August).

Due to the relatively small amount of branch length reduction permitted it could be very challenging for a climbing arborist (tree surgeon) to complete this work satisfactorily from a rope and harness. The appointed contractor may need to utilise a mobile elevating work platform (MEWP).
- 3 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.
- 4 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 0345 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.