

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

REF NO: P/27/17/T

LOCATION: 18 Boleyn Drive
Pagham

PROPOSAL: 10m Height Reduction & 20% Crown thin to 2No. Lombardy Poplars.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above.
TREES	The trees outlined in this application are located on the land at 18 Boleyn Drive, Pagham.
SITE CHARACTERISTICS	Dwelling.
CHARACTER OF LOCALITY	Residential.

RELEVANT SITE HISTORY

P/81/94/T	Fell 6 No. Lombardy Poplar & 3 No. Cupressus Leylandii trees	Refused 16-12-1994
P/38/95/T	Reduction in height by approx 6 metres with selective shaping to 6 Lombardy Poplar trees	ApproveConditionally 23-06-1995
P/39/95/T	Reduction in height by approx 4 metres, dead wooding and reshaping to 3 Cupressus Leylandii trees	Refused 23-06-1995
P/97/98/T	Fell one Poplar tree and one Leylandii Cupressus tree also lop two Poplar trees and one Leylandii Cupressus tree.	ApproveConditionally 27-11-1998
P/22/01/T	Fell 1 Leylandii Cupressus tree and trimming of 2 Poplar trees.	ApproveConditionally 23-03-2001
P/96/04/T	Lopping and topping of two Lombardy Poplar trees	ApproveConditionally 17-09-2004
P/71/12/T	Reduce the height of 2 No Poplars by 6 metres and shape edges.	ApproveConditionally 03-10-2012

Relevant planning history noted.

REPRESENTATIONS

Representations received:

Pagham Parish Council
Parish Council - No objection

No representations received from nearby occupiers.

Comments on Representations received:

Noted.

CONSULTATIONS

Arboriculturist

Consultations responses received:

Tree Officer -

Lombardy Poplars *Populus nigra* 'Italica' Height: 12m AveSprd: 3m Age: Early mature

- Two trees that are sound and healthy and vigorous with significant growth potential.
- Given the size of the rear garden and proximity of these trees I can see why the applicants would want to constrain their growth potential.
- However, these trees are only 12m tall and the applicant has asked to reduce them by 10m which would leave a 2m stump.
- I have concerns over the extreme amount of pruning that has been requested which amounts to an 83% reduction when 30% is the maximum recommended under BS3998:2010 i.e. around 4m reduction from the tops.
- I also object to thinning of this type of tree when it will very quickly put this growth back on and in the interim this actually opens the centre of the tree up to wind pressures and makes matters worse increasing the risk of branch failures - also the new growth which is put back on will be denser than before so in two ways you make matters worse rather than better by thinning.

Conclusions:

- These trees are visually significant in the landscape and the level of pruning needs to be less severe in nature - cutting at half height will leave a large open wound prone to fungal infection and decay which could in time result in cavities forming which undermine the integrity of the trees.

Recommendations:

- I recommend REFUSAL of this application on the grounds that these are trees of high amenity value in the landscape and the level of pruning that has been requested is not only not justified but it has the potential to result in levels of damage that have a high probability of shortening the life expectancy of these trees.

Comments on Consultation responses:

Comments noted.

POLICY CONTEXT

Tree Preservation Order

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

NPPF
NPPG

National Planning Policy Framework
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 warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

Following the comments from the Tree Officer, it is recommended that consent be refused.

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

In assessing this proposal neutral 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).

RECOMMENDATION

REFUSE

- 1 The trees are a significant feature in the local landscape and appear to be in adequately sound and healthy condition. The tree surgery proposed in the application would result in excessive reduction of the tree's landscape impact and undue detriment to the visual amenities of the locality.

- 2 **ADVISORY:**
Tree Officer - If the applicant chooses to come back in with an acceptable (in accordance with BS3998:2010 recommendations) level of pruning works then it would receive a favourable response.