

Development Management Delegated Decision Report

B/20/0356



SUMMARY OF APPLICATION

Application Reference	B/20/0359		
Application Type	Notification to carry out works on trees		
Proposal	Application for works to trees within a conservation area to include: T1- Willow: remove 1 damaged limb back to main stem		
Location	Land to rear of 11-24 South Terrace, Boston, PE21 6BA		
Applicant	Mr Jeremy Mace		
Agent	N/A		
Received Date:	25-Sep-2020	Consultation Expiry Date:	
Valid Date:	28-Sep-2020	Statutory Expiry Date:	09-Nov-2020
Date of Site Visit:	08-Oct-2020	Extension of Time Date:	
Objections received?	None		
5 day notification record:	Not applicable		
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Do not make a Tree Preservation Order in respect of this tree		
Report by:	Simon Eldred		
Date:	8 th October 2020		

OFFICER REPORT

SITE AND SURROUNDINGS:

This notification concerns a semi-mature willow tree with an estimated height of 10m which divides into 2 main stems at approximately 2m above ground level. It is growing in a densely-planted landscaping bed between a clothes-drying area at the rear of 15 to 20 South Terrace and a 2m-high close-boarded fence onto Bath Gardens.

DETAILS OF PROPOSAL:

It is proposed to remove one of the tree's two main stems, which has recently suffered damage.

RELEVANT HISTORY:

Although notice has been given of the intention to carry out works on many trees in the vicinity, it does not appear that any proposals have previously been put forward affecting this particular specimen.



RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The tree is located within the Boston Conservation Area. In considering a Section 211 Notice, the Borough Council essentially has two options: to make a tree preservation order if justified in the interests of amenity; or to decide not to make a tree preservation order, in which case the proposed works can be carried out.

The provisions of the Government's Planning Practice Guidance are of relevance. The Guidance states that, in deciding whether a tree in a conservation area merits TPO protection "the authority's main consideration should be the amenity value of the tree. In addition, authorities must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Even if the tree's amenity value may merit an Order the authority can still decide that it would not be expedient to make one."

CONSULTATION RESPONSES:

No consultation responses have been received.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

This part of the Conservation Area contains many semi-mature and mature trees (in relatively recently planted landscape beds, and in the Bath Gardens public open space) and they contribute positively to the area's character. The willow which is the subject of this notification is visible both from Bath Gardens and from South Terrace but, because it is semi-mature only and is growing amongst a large number of other trees within a landscaping bed, its individual amenity value is relatively limited. Consequently, it contributes only modestly to the character of this part of the Conservation Area.

Given the above, it is considered that this tree does not have sufficient amenity value to merit tree preservation order protection and, in any event:

- the tree has suffered a very significant tear to one its two main stems at approximately 3m above ground level. This damage it is sufficiently severe to mean that the proposed works are entirely justified in order to ensure long-term safety; and
- the proposed works will involve the removal of only one of the tree's two main stems and, although its public amenity value will be substantially reduced, it will not be lost altogether.

CONCLUSION:

The proposed works will only have a very limited impact on local amenity or the character and appearance of the Conservation Area, and are well-justified in the interests of public safety.

RECOMMENDATION:

Do not make a tree preservation order in respect of this tree.