

# Development Management Delegated Decision Report

B/21/0162



SUMMARY OF APPLICATION			
<b>Application Reference</b>	B/21/0162		
<b>Application Type</b>	Notification to carry out works on trees		
<b>Proposal</b>	Notification of works to trees within a Conservation Area to include:  Magnolia tree- pruning to reduce size of canopy to 6m high and 4m wide.		
<b>Location</b>	45, Spilsby Road, Boston, PE21 9NX		
<b>Applicant</b>	Mr Nigel Andrews		
<b>Agent</b>			
<b>Received Date:</b>	07-Apr-2021	<b>Consultation Expiry Date:</b>	---
<b>Valid Date:</b>	07-Apr-2021	<b>Statutory Expiry Date:</b>	<b>19-May-2021</b>
<b>Date of Site Visit:</b>	13-Apr-2021	<b>Extension of Time Date:</b>	---
<b>Objections received?</b>			
<b>5 day notification record:</b>			
<b>Councillors notified</b>	<b>Date</b>	<b>Response received – date</b>	<b>Ok to continue</b>
<b>Recommendation</b>	Do not make a tree preservation order in respect of this tree		
<b>Report by:</b>	Peter Udy		
<b>Date:</b>	13-Apr-2021		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The site is on the south east side of Spilsby Road opposite Holy Trinity church. There are a number of trees in the street scene. On this side of the road they are generally smaller in size in this location although there is a large Beech to the north east that has been recently pollarded. On the opposite side of the road there are two large trees in the churchyard and some maturing trees in front of semi-detached and terraced property.

### DETAILS OF PROPOSAL:

The property only has this tree in its front garden and it is proposed to reduce it in size as it is close to the boundary with the adjacent dwelling.

### RELEVANT HISTORY:



None.

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

The trees are located within the Boston (Spilsby Road) 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 mature and semi-mature trees, which contribute positively to its character. The tree is about 2m from the boundary which is marked with a 1m privet hedge. It is about 8m tall and a similar width and has split into 5 stems close to ground level. The tree contributes with the other trees to the character of the Conservation Area but is not of sufficient size to make an individual positive impact.

It is proposed to reduce the tree to 6m high and 4m wide and therefore, it is considered that this tree does not have sufficient amenity value to merit tree preservation order protection, and that its crown reduction will cause negligible harm to the Conservation Area's character. Trees in the adjoining garden have been reduced in size recently.

### **CONCLUSION:**

The proposed crown reduction of the Magnolia will have only very limited impacts upon local amenity or the character and appearance of the Conservation Area.

### **RECOMMENDATION:**

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