

# Development Management Delegated Decision Report

B/21/0343



SUMMARY OF APPLICATION			
<b>Application Reference</b>	B/21/0343		
<b>Application Type</b>	Notification to carry out works on trees		
<b>Proposal</b>	Application for works to trees within a conservation area to include:  T1- Split tree- Remove to ground level T2- (London Plane)- Reduce two hollow limbs T3- (Limes)- Remove epicormic growth on trunk upto previous crown raising T4- (Cedar)- Crown raise lower limbs T5- (Yew)- Reduce back branches T6- (Fir)- Remove to ground level T7- (Conifer)- Reduce by 30% T8- (Conifer)- Remove windblown section of conifer to 6ft stump and reduce remaining part of conifer to 20ft in height		
<b>Location</b>	St Marys Church, Market Place, Swineshead, Boston, PE20 3LJ		
<b>Applicant</b>	Mrs Jean Powell, St Mary the Virgin Church		
<b>Agent</b>			
<b>Received Date:</b>	19-Jul-2021	<b>Consultation Expiry Date:</b>	
<b>Valid Date:</b>	19-Jul-2021	<b>Statutory Expiry Date:</b>	<b>30-Aug-2021</b>
<b>Date of Site Visit:</b>	28-Jul-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 these trees		
<b>Report by:</b>	Peter Udy		
<b>Date:</b>	28-Jul-2021		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The trees are within the churchyard of St Mary's church. The churchyard is mostly surrounded by residential development. There is some commercial premises around the Market Place.

### DETAILS OF PROPOSAL:

The proposal is to mostly prune the trees, although two trees are to be felled.



### **RELEVANT HISTORY:**

B/13/0359 T1 Lime Tree - Trim back to provide clearance for street light

T2 (group) 10 No. Lime Trees - Crown Clean

T3 (group) 5 No. Lime Trees - Crown lift to give highway clearance

T3 (group) 4 No. Plane Trees - Crown reduction and reshape to give approx finished height of 13m and width of 6m.

Approved.

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

The trees are located within the Swineshead 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:**

T1- (Unknown)- This is close to the footpath from Church Lane. It is in a very decrepid state and has no merit justifying a TPO.





T2- (London Plane)- This is close to Church Lane. The tree has been cut in the past. The first two photographs show that there are two large holes on the churchyard side of the tree. The branches overhang Church Lane. The other photos show there are other small areas of rot and some die back at one place where it has been cut in the past. The tree does therefore have issues and surgery is reasonable.





T3- (Limes)- This is a group of 9 Limes that are close to the churchyard wall along the High Street frontage. The epicormic growth is cut back frequently but has formed a dense mass of twiggy shoots. Removal is reasonable as it affects highway visibility when it is higher than the church wall and is impacting the wall. The crown has previously been raised to 5 or 6m and the trunks are regrowing beneath this height and are starting to be large enough for vehicles to strike them. It is reasonable to remove this new growth.



T4- (Cedar)- This is close to the footpath from High Street. Its branches hang down to almost ground level. This makes maintaining the churchyard difficult at this point and raising the crown would solve this.



T5- (Yew)- This is close to the North elevation of the church and the trunk is probably only 2 to 3m from it. Branches are touching the building. Cutting the tree back is reasonable so that the tree does not damage the listed building.



T6- (Fir)- This is near to a footpath to a different part of Church Lane. It is also close to the west entrance to the church, where people can congregate. It is clearly failing and removal is reasonable.



T7- (Conifer)- This is an overgrown conifer. They do not like being heavily pruned and so a small reduction is reasonable. The tree does not warrant a TPO.



T8- (Conifer)- This is near the boundary with the Old vicarage. A branch has split out and this needs attention. Cutting the rest of the tree down to 20 feet is reasonable but may look bare for a while.



## **CONCLUSION:**

The trees do not warrant a TPO to protect them from being felled and the proposed surgery to the trees that will remain is reasonable.

**RECOMMENDATION:**

Do not make a tree preservation order in respect of these trees.