

# Development Management Delegated Decision Report

B/21/0382



## SUMMARY OF APPLICATION

|                                   |   |                                  |                       |
|-----------------------------------|---|----------------------------------|-----------------------|
| <b>Application Reference</b>      | B/21/0382   |                                  |                       |
| <b>Application Type</b>           | Notification to carry out works on trees  |                                  |                       |
| <b>Proposal</b>                   | Application under S211 for works to trees within a Conservation Area to include:<br><br>T1-11 - Willow - Pollarded to a height of 5-8m<br>T12 - Apple Tree - Crown Reduction and Thinning |                                  |                       |
| <b>Location</b>                   | The Haven, School Lane, Bicker, Boston PE20 3DW   |                                  |                       |
| <b>Applicant</b>                  | Mr Adam Perry   |                                  |                       |
| <b>Agent</b>                      |   |                                  |                       |
| <b>Received Date:</b>             | 16-Aug-2021   | <b>Consultation Expiry Date:</b> |                       |
| <b>Valid Date:</b>                | 16-Aug-2021   | <b>Statutory Expiry Date:</b>    | <b>27-Sep-2021</b>    |
| <b>Date of Site Visit:</b>        | 23 Aug-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 TPO.  |                                  |                       |
| <b>Report by:</b>                 | Peter Udy   |                                  |                       |
| <b>Date:</b>                      | 24-Aug-2021   |                                  |                       |

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The trees are located against a watercourse and in front of the applicant's dwelling. There is another smaller dwelling on the other side of the watercourse and a Methodist chapel.

### DETAILS OF PROPOSAL:

It is proposed to reduce the willow trees very significantly and to reduce and thin the crown of an apple tree.

### RELEVANT HISTORY:

B/01/0136 Reduce the crown of 5 willow trees by 50%. Approved.

B/16/0038 3 metre crown reduction – reduction of branches overhanging chapel, T3, T4, T5. Approved.



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

The trees are located within the Bicker 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:**

The Black Sluice IDB have written to welcome the proposal and to remind the applicant of his responsibilities regarding the drain.

### **EVALUATION:**

The trees make a significant contribution to the conservation area. However, the northern most trees are close to a dwelling called "The Glen" and a Methodist chapel. The owner of the trees has a duty of care to the occupants of these buildings and the submitted photos show the trees have dropped some significantly sized branches.

An application 20 years ago permitted a 50% reduction to five willow trees. Unfortunately, the planning file does not identify which trees. A more recent proposal allowed a small reduction to the trees behind the dwelling and Methodist chapel. This may not have been implemented as all the trees are similar in size and regrowth is not obvious, i.e. all the trees look similar at their branch ends.

Large branches can be identified as regrowth from previous surgery.



When a tree has been lopped the point of regrowth is a weak point and the tree should be re pollarded on a regular basis in the interests of safety.

Two branches have broken away recently. One is near the house and is shown in the submitted photos on a van. The other is to the south, closer to the boundary with the “Old School House”.



The trees behind the Methodist Chapel and “The Glen” also have large wounds and pockets of rot as well as some smaller branches that are dead.





The Apple tree is in a very poor state.



### **CONCLUSION:**

Although the trees make a significant contribution to the conservation area, owing to their state and previous surgery it is not considered expedient to make a TPO.

### **RECOMMENDATION:**

Do not make a TPO.