

Development Management Delegated Decision Report

B/21/0525



SUMMARY OF APPLICATION				
Application Reference	B/21/0525			
Application Type	Application for works affecting a TPO			
Proposal	<p>Application for works to trees subject to a Tree Preservation Order (Boston No.29) to include:</p> <p>T1 - Cork Oak - Temporary propping & trimming back of branches to allow demolition of surrounding buildings. Also methodology for demolition as outlined in Arboricultural Report</p>			
Location	Cork Tree Crescent, Off London Road, Boston, PE21 7EQ			
Applicant	Mr Andrew West, Vinci Construction UK Ltd			
Agent				
Received Date:	06-Dec-2021	Consultation Expiry Date:		
Valid Date:	06-Dec-2021	Statutory Expiry Date:	17-Jan-2022	
Date of Site Visit:	29-Nov-2021	Extension of Time Date:		
Objections received?				
5 day notification record:				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Grant Consent for these proposed works.			
Report by:	Peter Udy			
Date:	11-Jan-2022			



OFFICER REPORT

SITE AND SURROUNDINGS:

The Cork Oak tree is close to a range of derelict buildings that were formerly the Norton Lea residential home.

DETAILS OF PROPOSAL:

The building is to be demolished to prepare the site for redevelopment. The Cork Oak has grown over some of the buildings and is resting on some of the roofs. These branches need to be temporally propped and / or shortened to allow the demolition to take place.

RELEVANT HISTORY:

Previous applications on the site relate to an earlier proposal to redevelop the site for residential purposes and the current proposal to demolish the buildings and clear the site. No applications refer to the TPOs on the site.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The tree is protected by the Boston Tree Preservation Order No. 29 (2006). The provisions of the Government's Planning Practice Guidance are of relevance. The Guidance states "in considering an application, the Local Planning Authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it. The Authority must be clear about what work it will allow and any associated conditions."

CONSULTATION RESPONSES:

No consultation responses have been received.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party responses have been received.

EVALUATION:

The Cork Oak is protected by a TPO and is registered as a Veteran tree in the Woodland Trust's Ancient Tree Inventory. Its reference number is 183185.

The NPPF 2021 refers to Veteran trees as follows in the glossary:

Ancient or veteran tree: A tree, which because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

Paragraph 180 of the NPPF 2021 says:

When determining planning applications, local planning authorities should apply the following principles:

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists;

Footnote 63 says:

For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

The NHS is considering the reuse of this site. A planning application for redevelopment has not yet been submitted and the NPPF advice quoted above will be relevant to considering that proposal. However, as part of the design process for redeveloping the site, the trees have been surveyed in April 2021 and is submitted as part of this application dated October 2021. It is proposed to demolish the derelict buildings in advance of any application as they are hazardous, attract vandalism and anti-social behaviour.

The report provided states in para 1.1.7:

The report includes an Arboricultural Method Statement and Tree Protection Plan, which contain proposals for the protection of the retained trees during demolition. This includes special measures for the protection of the mature cork oak tree in the centre of the site which is of high value and particularly vulnerable during the work.

Para 5.3.2 states:

Particular care will be required during demolition adjacent to the mature cork oak tree T37 as it is growing close to several buildings with branches touching the buildings and the props supporting some of its branches require maintenance. Prior to works proceeding, it is proposed to adjust and repair the props, and carry out careful pruning to reduce the risk of branch damage during the works.

The Arboricultural Method Statement within the survey states in section 6.7:

Prior to the commencement of works, the Arboricultural Consultant will visit the site and carry out a detailed assessment of the cork oak tree T37. They will provide a specification for works to adjust, repair and where necessary replace the existing branch props. They will also specify pruning necessary to accommodate the props and pre-

emptive pruning of branches resting on the surrounding building to ensure that the tree is not damaged during demolition.

Under building demolition it states:

The demolition of the building close to the cork oak tree T37 will be monitored by the Arboricultural Consultant. They will provide a tool talk to brief operatives on the procedures to be adopted before work commences.

The tree protection plan maps all the trees and groups of trees on the site. It shows the Cork Oak as a tree to be retained with a root protection area and a larger area shaded where precautions during removal of the hardstanding are adopted.

The second report dated November 2021 refers to the Cork Oak in section 3.1 and describes its growth habit and condition. The tree has been propped and some of these have failed. A branch has collapsed and is resting on the ground. It is recommended this branch is not removed, owing to that causing a large wound. The branch is otherwise healthy and may root where in contact with the ground. It also says trees adapt to being propped and therefore the props should remain as removal is likely to cause the branch to fail.

The report describes the required pruning to permit demolition:

Branches from the cork oak overgrow buildings to the north-east and west which are to be demolished. These branches require pruning to allow the demolition to proceed without damage to the tree. The branches overgrowing the single-storey buildings are:

- Branch to north-east, derived from fallen stem, and branch resting on building.
- Branch to north-west, derived from fallen stem and supported by semi-mature trees.
- Branch to the west, resting on and supported by building.
- Branch to the west-south-west, overgrowing but not supported by the building.

The report also quotes the Arboricultural Method Statement, which sets out precautions to be following during demolition of the buildings near the cork oak. These include proposals for an excavator to be sited on the existing building floor slabs and pull the walls inwards, towards the excavator and away from the tree. The Method Statement also includes proposals for the removal of the slab and foundations near the tree. It is likely that future development proposals will retain the tree in open space corresponding with the root protection area, and as such it will not be necessary to remove foundations and other material below ground where the buildings abut the tree's root protection area (RPA). This will reduce the risk of damage to the tree.

The report in section 4.1 recommends a series of actions and these are listed in the attached conditions.

CONCLUSION:

The council have engaged their own Arboricultural Consultant who advises:

I can confirm that the application for works to the TPO Cork tree as outlined in the Arboricultural report submitted is considered to be appropriate and as such, I would advise that consent for these works is granted.

Given the minor nature of the proposed works, the impact on the health and condition of the tree is considered to be negligible.

The following Conditions should be applied to any consent granted:-

2 Year Time Limit to Works

Works to British Standard 3998:2010.

RECOMMENDATION:

Grant Consent for these proposed works.

CONDITIONS / REASONS			
Pre-commencement conditions?		Agreed with applicant/agent - Date:	
<p>1. Condition</p> <p>The following will be undertaken:</p> <p>A. Tree and shrub saplings growing beneath the cork oak tree will be removed, cutting stems to ground level. This operation will be carried out by hand, taking care to avoid damage to the tree.</p> <p>B. Semi-mature sycamore and laurel trees providing support to the branch to the north-western branch of the cork oak will be retained during demolition. They will be removed on the completion of demolition, subject to further assessment by the Arboricultural Consultant.</p> <p>C. The partially collapsed stem on the cork oak tree T37 will be retained.</p> <p>D. The two remaining branch props will remain in-situ. In order to maximise their life span, they will be repainted with a suitable red oxide paint, as advised by the contractor in liaison with the Arboricultural Consultant.</p> <p>E. Once the site works are complete, the branch props will be reinspected every 18 months, on the same reinspection cycle as the tree.</p> <p>F. Branches that overhang the adjacent buildings will be pruned back to at least 1.0m beyond the building line. The branches will be cut at the first side branch available beyond this point.</p> <p>G. The pruning will be carried out by competent arboricultural contractors, and be carried out in accordance with BS3998:2010 'Tree Work – Recommendations'.</p> <p>H. The branch to the west will be provided with temporary support (Acro prop or similar with foam padding as advised by the contractor in liaison with the Arboricultural Consultant) before it is pruned as it is currently strongly supported by the building and may be at risk of collapse once this support is removed. The branch will be reinspected by the Arboricultural Consultant at the next visit to determine whether permanent support is required.</p> <p>I. The cork oak tree will be protected during construction in accordance with the proposals detailed in the Arboricultural Method Statement and shown on the Tree Protection Plan.</p>			

J. The Arboricultural Method Statement includes proposals for an excavator to pull the walls inwards onto the building footprint and away from the tree. Walls adjacent to the tree will be demolished by hand if this cannot be achieved successfully and there is risk of walls falling towards the tree.

K. Where possible, the building foundations and other below-ground structures will be left in-situ where they abut the tree's RPA. These will be removed to just below the existing ground level (<50mm), before being lightly covered with topsoil.

Reason: To ensure the work is undertaken to an appropriate standard and in accordance with the arboricultural advice provided as supporting evidence in this application.

2. Condition

The works will be completed within 2 years of the date of this consent.

Reason: To ensure the work is undertaken to an appropriate standard and in accordance with the arboricultural advice provided as supporting evidence in this application.

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.