

Development Management Delegated Decision Report

B/23/0105



SUMMARY OF APPLICATION				
Application Reference	B/23/0105			
Application Type	Application for works affecting a TPO			
Proposal	Application for works to trees subject to a tree preservation order (Boston no.12) to include: T1 - Horsechestnut: Crown lift to 3.5m to provide clearance of private owners land at 65 Church Road, plus prune back by 1.5m to clear street light, sever ivy to allow to die off T2 - Lime: Remove dead wood and remove epicormic growth T3 - Horsechestnut: Remove epicormic growth T4 - Horsechestnut: Prune branches back by 1.5m to clear street light T5 - Lime: Crown lift to 3.5m to rebalance tree (hanging over 65 Church Road)			
Location	Land opposite flats 2-12A, Kitwood Road, Boston, PE21 0PX			
Applicant	Mr Jeremy Mace, Platform Housing Group			
Agent				
Received Date:	10-Mar-2023	Consultation / Publicity Expiry Date:	Not applicable	
Valid Date:	10-Mar-2023	Statutory Expiry Date:	21-Apr-2023	
Date of Site Visit:	15-May-2023	Extension of Time Date:	24-May-2023	
Objections received?	None			
5 day notification record: Not applicable				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	GRANT Consent			
Report by:	Simon Eldred			
Date:	17 th May 2023			



OFFICER REPORT

SITE AND SURROUNDINGS:

The application concerns five mature trees, growing within an area of amenity grassland associated with the flats at 2 to 12 Kitwood Road. The trees are identified in the application as:

- T1, a horse chestnut (which is protected as T11 of the Boston TPO No. 12);
- T2, a lime (which is protected as T10 of the Boston TPO No. 12);
- T3, a horse chestnut (which is protected as T9 of the Boston TPO No. 12);
- T4, a horse chestnut (which is protected as T8 of the Boston TPO No. 12); and
- T5, a lime (which is protected as T12 of the Boston TPO No. 12).

DETAILS OF PROPOSAL:

It is proposed to:

- T1 – sever ivy, and prune to: raise the crown to 3.5m above ground level; and provide clearance to a neighbouring street light;
- T2 – remove: dead wood; and epicormic growth;
- T3 – remove epicormic growth;
- T4 – prune branches close to a neighbouring street light to give 1.5m clearance; and
- T5 – prune to raise the crown to 3.5m above ground level.

RELEVANT HISTORY:

- B/03/0724 – Consent was granted on 17th December 2003 for works to trees protected by the Boston TPO No. 12.
- B/20/0405 – Consent was granted on 3rd November 2020 for works to trees protected by the protected by the Boston TPO No. 12.

RELEVANT POLICIES:

Paragraphs 089 Reference ID: 36-089-20140306, 090 Reference ID: 36-090-20140306, 091 Reference ID: 36-091-20140306, and 095 Reference ID: 36-095-20140306 of the National Planning Practice Guidance (PPG) indicate that:

“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.”

“When considering an application the authority is advised to:

- *assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area;*
- *consider, in the light of this assessment, whether or not the proposal is justified, having regard to the reasons and additional information put forward in support of it;*
- *consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions;*
- *consider whether any requirements apply in regard to protected species;*

- *consider other material considerations, including development plan policies where relevant; and*
- *ensure that appropriate expertise informs its decision.”*

“In general terms, it follows that the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted. However, if the amenity value is lower and the impact is likely to be negligible, it may be appropriate to grant consent even if the authority believes there is no particular arboricultural need for the work.”

“When determining applications for consent under an Order, the authority may:

- *grant consent unconditionally;*
- *grant consent subject to such conditions as it thinks fit;*
- *refuse consent.”*

“The authority must decide the application before it, so it should not issue a decision which substantively alters the work applied for. The authority could, however, grant consent for less work than that applied for. The authority should make absolutely clear in its decision notice what is being authorised. This is particularly important where the authority grants consent for some of the operations in an application and refuses consent for others.”

CONSULTATION RESPONSES:

No consultation responses have been received.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

T1 is substantial in size and has an attractive form. It is very prominently located and can be seen from many public vantage points – it is particularly prominent from the south. As a consequence, it has great public amenity value.

Consent is not required to remove ivy from a protected tree. It is considered that the other proposed works (modest crown-raising and other pruning):

- will have no material impact upon the tree's public amenity value;
- will have no material impact upon the amenity of the area; and
- are well-justified.

As a consequence, it is considered appropriate for consent to be granted for the proposed works.

T2 is substantial in size and has an attractive form. It is very prominently located and can be seen from many public vantage points. As a consequence, it has great public amenity value.

Consent is not required to remove dead-wood from a protected tree. It is considered that the other proposed works (the removal of epicormic growth):

- will have no material impact upon the tree's public amenity value;
- will have no material impact upon the amenity of the area; and

- are well-justified.

As a consequence, it is considered appropriate for consent to be granted for the proposed works.

T3 is substantial in size and has an attractive form. It is very prominently located and can be seen from many public vantage points. As a consequence, it has great public amenity value.

It is considered that the proposed works (the removal of epicormic growth):

- will have no material impact upon the tree's public amenity value;
- will have no material impact upon the amenity of the area; and
- are well-justified.

As a consequence, it is considered appropriate for consent to be granted for the proposed works.

T4 is substantial in size and has an attractive form. It is very prominently located and can be seen from many public vantage points – it is particularly prominent from the north. As a consequence, it has great public amenity value.

It is considered that the proposed works (pruning to clear a neighbouring street-light):

- will have no material impact upon the tree's public amenity value
- will have no material impact upon the amenity of the area; and
- are well-justified.

As a consequence, it is considered appropriate for consent to be granted for the proposed works.

T5 is substantial in size and has an attractive form. Although it is located approximately 35m from public vantage points, it nonetheless has significant public amenity value.

It is considered that the proposed works (modest crown-raising):

- will have no material impact upon the tree's public amenity value
- will have no material impact upon the amenity of the area; and
- are well-justified.

As a consequence, it is considered appropriate for consent to be granted for the proposed works.

RECOMMENDATION:

GRANT Consent for the proposed works

Proposed Condition:

1. The tree works permitted shall be undertaken in accordance with Section 7 of BS 3998 - 2010 - Tree Work - Recommendations.

Reason: To define the extent of work permitted ensuring potentially harmful effects of pruning are minimised.