

Development Management Delegated Decision Report

B/24/0017



SUMMARY OF APPLICATION			
Application Reference	B/24/0017		
Application Type	Notification to carry out works on trees		
Proposal	Notification under s211 for works to trees within a conservation area to include: 4no Lime Trees - Pollard to height of 5 metres		
Location	Boston Baptist Church, 98 High Street, Boston PE21 8TA		
Applicant	Mr Kevin Smithbone, Boston Baptist Church		
Agent			
Received Date:	12-Jan-2024	Consultation / Publicity Expiry Date:	12-Feb-2024
Valid Date:	12-Jan-2024	Statutory Expiry Date:	23-Feb-2024
Date of Site Visit:	16-Feb-2024	Extension of Time Date:	---
Objections received?	None		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Approve works to trees		
Report by:	Emma Turvey		
Date:	21 st February 2024		

OFFICER REPORT

SITE AND SURROUNDINGS:

The application site consists of four established Lime trees which are located alongside a public footpath along the western boundary of the application site. The site also includes a Grade II listed Baptist Chapel and Schoolroom and Memorial and is within the Boston Conservation Area.

DETAILS OF PROPOSAL:

It is proposed to pollard five Lime trees back to previous pollarded levels. The trees require pollarding every 4-5 years depending on the growth and this proposed work will reduce the trees to the previous height of 5m.



RELEVANT HISTORY:

B/15/0078 – Application under Section 211 for works to trees in a conservation area to include: 4 no Lime trees – reduce branches to previously pollarded levels – Approved.

B/19/0388 - Application under s211 for works to trees in a conservation area to include: 5 No. Lime trees - reduce branches to previously pollarded levels – Approved.

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The tree is located within the Boston 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 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."*

The Guidance indicates that 'amenity' *"is not defined in law"* ... but that ... *"Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future. When considering whether trees should be protected by an Order authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking account of the following criteria:*

- *Visibility – The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.*
- *Individual, collective and wider impact – Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including: size and form; future potential as an amenity; rarity, cultural or historic value; contribution to, and relationship with, the landscape; and contribution to the character or appearance of a conservation area.*
- *Other factors – Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order."*

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 has a strong urban character and contains very few trees. The trees that form this application are located along the front boundary of the application site and it is considered that the area benefits from the presence of these trees.

The works to the proposed trees is a continuation of the necessary works to ensure the health of the trees and the safety of the users of the public footpath. Previous works to these trees was approved and carried out in 2015 and 2019 and this current proposal is to reduce the trees back to their previous pollarded point only. Therefore, while it is considered that the works will undoubtedly reduce the trees' contribution to the area's character in the short-term, it is not considered that they have the necessary public amenity value to merit tree preservation order protection as the limits upon the Conservation Area will be minimal.

CONCLUSION:

It is not considered appropriate for a tree preservation order to be made to protect the tree affected by this Section 211 Notice.

RECOMMENDATION

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

INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE
<u>STATEMENT OF PROACTIVE WORKING:</u> In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2023 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.