

# Development Management Delegated Decision Report

B/24/0027



SUMMARY OF APPLICATION			
<b>Application Reference</b>	B/24/0027		
<b>Application Type</b>	Application for works affecting a TPO		
<b>Proposal</b>	Application for works to trees subject to tree preservation orders (Sutterton and Algarkirk No1, Kirton No8, No9 and No12) to include:  T1 - Yew - raise to 12 feet drive side only T2 - 2 X small self set Sycamore - Fell T3 - Ash - reduce to 12 feet T4 - Sycamore - Fell T5- Sycamore - Remove overhang to boundary T6 - Sycamore - Fell T7 - Sycamore - Remove overhang to boundary		
<b>Location</b>	Land Adjacent to Laburnum Gardens, Kirton, Boston PE20 1JZ		
<b>Applicant</b>	Mr Paul Tracey		
<b>Agent</b>	Mr Greville Bray, East Coast Access		
<b>Received Date:</b>	22-Jan-2024	<b>Consultation / Publicity Expiry Date:</b>	28-Feb-2024
<b>Valid Date:</b>	29-Jan-2024	<b>Statutory Expiry Date:</b>	11-Mar-2024
<b>Date of Site Visit:</b>	07-Mar-2024	<b>Extension of Time Date:</b>	---
<b>Objections received?</b>	None		
<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>	Approve		
<b>Report by:</b>	Emma Turvey		
<b>Date:</b>	15 <sup>th</sup> March 2024		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The subject trees consist of 1 Yew, 6 Sycamore and 1 Ash tree. The trees are located along the south-western boundary of Laburnum Gardens and are all covered by Kirton Tree Preservation Order No.12. The trees are located approximately 50m from the public highway along a private gated driveway.

### DETAILS OF PROPOSAL:



It is proposed to:

- T1 - Yew - raise to 12 feet drive side only
- T2 - 2 X small self set Sycamore - Fell
- T3 - Ash - reduce to 12 feet
- T4 - Sycamore - Fell
- T5- Sycamore - Remove overhang to boundary
- T6 - Sycamore - Fell
- T7 - Sycamore - Remove overhang to boundary

### **RELEVANT HISTORY:**

B/15/0073 - Remove previously pollarded branches by a further 3-4m on Ash (T1). Remove lateral limbs/branches on Sycamore (T2), Remove 2 branches of a diameter less than 15m on Sycamore (T3) – Approved.

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

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.”

## **CONSULTATION RESPONSES:**

Peter Udy, Planning Policy Officer has confirmed the work involved in this proposal is acceptable.

## **THIRD PARTY REPRESENTATIONS RECEIVED:**

No third party representations have been received.

## **EVALUATION:**

The application site is located on the edge of a residential neighbourhood. The trees which form this application are covered by Tree Preservation Order Kirton, Sutterton and Algarkirk No.1 and are located on the south-western boundary of Laburnum Gardens.

The works proposed covers several trees which are located within a private gated estate and are not clearly visible when travelling in either direction along London Road.

T1 Yew tree – This tree is substantial in size, and it is proposed to raise the tree to 3.7m on the driveway side only to allow for the grass under the tree to be mowed.

T2 Two sycamore trees – These two small set trees overhang the boundary, and it is necessary for them to be removed.

T3 Ash tree – This tree contains bracket fungus and there is a risk of it falling. The proposal is to reduce it to 3.7m high.

T4 to T7 Sycamore trees – This group of trees are all in very close proximity to each other and the health of the trees is suffering due to the lack of space available.

- T4 – It is proposed to fell this tree due to its close-proximity to the garage building owned by No.5 Laburnum Gardens and the risk of it falling in heavy winds.
- T5 & T6 – It is proposed to fell these two trees due to the overall height, bad health, and their close proximity to the gardens of the adjacent dwelling.
- T7 – It is proposed to remove the overhang to the boundary only, due to its close proximity to neighbouring dwellings.

The area around the application site benefits from a very verdant appearance and character, containing many established trees and hedgerows. The trees that form this application are set back approximately 50m from public vantage points and are partially obscured by the buildings located along London Road. While it is accepted that the trees in question provide a positive contribution to the local amenity, it is also acknowledged that given the location of the trees within the site and away from the public highway, the proposed works will not have a significant impact upon the streetscene and are considered justified and necessary and should be granted.

This is a view shared by the Arboricultural Officer.

## **CONCLUSION:**

Following the advice set out in the Planning Practice Guidance set out above, it is considered appropriate for consent to be granted.

**RECOMMENDATION:**

Grant consent for works to these trees.

<b>INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE</b>
<b><u>STATEMENT OF PROACTIVE WORKING:</u></b> 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.