

Development Management Delegated Decision Report

B/24/0128



SUMMARY OF APPLICATION				
Application Reference	B/24/0128			
Application Type	Notification to carry out works on trees			
Proposal	Notification under s211 for works to trees within a Conservation Area to include: T31 - Holly - To fell			
Location	Swineshead Hall, High Street, Swineshead, Boston, PE20 3LH			
Applicant	Mr Alan Pattinson			
Agent				
Received Date:	25-Mar-2024	Consultation / Publicity Expiry Date:	N/A	
Valid Date:	25-Mar-2024	Statutory Expiry Date:	06-May-2024	
Date of Site Visit:	17-Apr-2024	Extension of Time Date:	N/A	
Objections received?	None.			
5 day notification record:				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Do not make a tree preservation order in respect of these trees.			
Report by:	Megan Epton			
Date:	19-Apr-2024			

OFFICER REPORT

SITE AND SURROUNDINGS:

The tree this application relates to is located within the north east corner of the large grounds of 'Swineshead Hall', off 'High Street'. The property is bordered with hedges, and a wide range of well-established trees are visible throughout the grounds.

DETAILS OF PROPOSAL:



It is proposed to fell 1no. Holly tree (noted as T31 within the application) due to it impeding the growth of 2no. horse chestnut trees that provide screening.

RELEVANT HISTORY:

- B/16/0476- S211 notice to undertake work to 5no. trees and fell 2no. trees- **Approved.**
- B/20/0435 – S211 notice to cut two trees back to the boundary- **Approved.**
- B/22/0056 – S211 notice to undertake work to 4no. trees and fell 1no. tree- **Approved.**
- B/23/0104 – S211 notice to undertake work to 3no trees – **Approved.**

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The trees are located within the Swineshead 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:

East Lindsey's Arboricultural Officer was consulted on the application, noting that the Holly tree looks to be of a pleasing shape, however due to it restricting the growth of 2no. otherwise healthy trees, it was recommended to not issue a TPO at this time.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

The tree to which this application relates is located in the north east corner of the grounds of 'The Hall'. It is sizeable and healthy but grows between 2no. well established horse chestnuts that were originally planted to provide screening between the site and the neighbours to the north. It is proposed to fell the tree due to it impeding the growth of these 2no. otherwise healthy trees.



The applicant has added in their submission that multi specimen conifers have been planted in the area between the chestnuts and the northern boundary to serve as a future visual buffer after the proposed loss of the established Holly.

The Arboricultural Officer reviewed the detail within the application and confirmed that whilst the loss of the tree is a shame as it holds a pleasing appearance, they would not be mindful to recommend a TPO due to the impacts on the adjacent trees.

It is therefore considered that whilst the Holly tree contributes to the character and appearance of 'The Hall' and wider conservation area, the proposed felling is justified and considered to be acceptable in order to avoid the potential adverse impacts that its future growth could have upon the 2no. equally pleasing horse chestnuts.

CONCLUSION:

The proposed felling of the Holly tree will have only very limited impacts upon local amenity or the character and appearance of the Conservation Area and is considered to aid in the health and growth of the 2no. adjacent trees.

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.