

**A06**

**TPO/TH/20/1518**

PROPOSAL: TH/TPO/20(1986) - 19No Limes - Crown reduce by up to 5m and up to 2m lateral spread.

LOCATION: St Peters Church Hopeville Avenue BROADSTAIRS Kent CT10 2TR

WARD: St Peters

AGENT: No agent

APPLICANT: Thanet District Council

RECOMMENDATION: Approve

Subject to the following conditions:

1 This approval is only valid for a period of 24 months from the date hereof. Failure to carry out any or all of the approved work within this period will make it necessary to submit a fresh application.

GROUND;

In accordance with Part 4 Regulation 17 of Town and Country Planning (Tree Preservation) (England) Regulation 2012.

2 The works approved by this consent shall not exceed those specified in the amended description. They should be carried out by a competent tree surgeon and in accordance with British Standard BS 3998: 2010 "Tree Work - Recommendations".

GROUND;

In accordance with Part 4 Regulation 17 of Town and Country Planning (Tree Preservation) (England) Regulation 2012.

#### SITE, LOCATION AND DESCRIPTION

The 19No. Lime trees are located along the southern boundary of St Peter's Church Yard adjacent to the boundary with The Baptist Church. The trees extend from the boundary of the site with Vicarage Street along the boundary in the church yard towards the rear boundary of the neighbouring church. The trees are highly prominent from Church Street, Vicarage Street and St Peter's High Street as well as within the church yard itself and are considered to make an important contribution to the character and appearance of the conservation area.

#### RELEVANT HISTORY

There is no history for works to these trees.

### PROPOSED DEVELOPMENT

The initial application proposed a 25% pollarding of 19No. Lime trees but has been amended to crown reduction by up to 5m and up to 2m lateral spread of the trees.

### NOTIFICATIONS

A site notice was posted close to the site. No letters of representation have been received.

**Broadstairs and St Peter's Town Council** - The Planning Committee of the Town Council has considered this application and resolved unanimously to recommend REFUSAL with the following concerns/comments: 25% Pollard. The Committee support the TDC Tree Officer recommendation of 25% Crown thin and request that works are carried out by qualified tree surgeons as they need to be undertaken sensitively and in a way sympathetic to the natural character of each tree.

### CONSULTATIONS

**TDC Arboricultural Officer** - In view of the proximity of the Baptist Church next door and as the trees develop to full maturity branches will occasionally fall pending storms. To reduce the potential impacts on the property next door a reduction overall of 25% is a good compromise in relation to the surrounding scenario and the trees interests long term. This work should be done in a way sympathetic to the natural character of the tree genus/species.

### COMMENTS

This application is brought before members as the application is made by Thanet District Council.

### **Principle**

The proposed works are to a number of protected trees. A Tree Preservation Order (TPO) is an order made by a local planning authority (LPA) to protect specific trees, groups of trees or woodlands in the interests of amenity. Orders prohibit the cutting down, topping, lopping, uprooting, wilful damage and wilful destruction of trees contained in the Order without the LPA's written consent. These prohibited activities are set out in Regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. As a result there is no in principle objection to works to a TPO tree, subject to an assessment of the works.

The LPA can choose to grant consent subject to conditions, or to refuse consent for works. In considering an application, the LPA 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. Should an application for works be refused, the applicant can appeal to the Secretary of State, and in some circumstances

compensation may be payable by LPA for loss or damage which results from the authority refusing consent or where consent is granted subject to conditions.

It falls to now be considered subject to an assessment of the details of the proposal, the impact of the works on the amenity of the area, the health of the trees, and any applicable living conditions of neighbouring occupiers or members of the public.

### **Amenity**

Trees are important to the character and quality of an area, providing a visual break and relief from built development. They can lend character, in particular to conservation areas, and provide many other benefits, including the provision of natural habitats, the enhancement of health and wellbeing and the improvement of air quality. As such the retention of trees where possible are always sought.

In this instance the trees make a substantial contribution to the character and appearance of the conservation area and great weight is placed upon their preservation.

The application initially proposed the pollarding of these trees which involves a significant alteration to the shape and form of the trees and would give a similar appearance to the trees that currently line the footpath within the church yard. Pollarding is not normally considered suitable for protected trees due to the significant change in the shape and form that results.

Following a visit by the Council's Arboricultural Officer the proposed works have been amended to a crown reduction by up to 5m and up to 2m lateral spread. A crown reduction reduces the size and shape of the tree without significantly altering its form or ability to regrow. These amended works would increase the distance between the trees to the neighbouring buildings and reduce branches overhanging the various highways and footpaths in the area.

### **Conclusion**

The amended works are considered to meet an appropriate balance between health and safety, management of the trees and the amenity of the area. It is therefore recommended that Members approve the application subject to conditions.

### **Case Officer**

Duncan Fitt

TITLE:

TPO/TH/20/1518

Project

St Peters Church Hopeville Avenue BROADSTAIRS Kent CT10 2TR

