

**A08**

**TPO/TH/20/1529**

PROPOSAL: TH/TPO/3(2002) - 1No Holm Oak (T1) - Crown raise to 5m targeting branches no greater than 100mm in diameter; cut back from adjacent dwellings to allow for 3m clearance, 1No Sycamore (T2) - Crown raise to 5m targeting branches no greater than 75mm in diameter

LOCATION: 3 Upton Grange Broadstairs Kent CT10 2NS

WARD: Viking

AGENT: No agent

APPLICANT: Mrs Rachel Humber

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**

Upton Grange is a cul-de-sac located off Vale Road, Broadstairs comprising large detached properties. All properties within Upton Grange are covered by a blanket Tree Preservation Order (TH/TPO3(2002)). To the south east of the dwelling within the curtilage there are two trees protected by the Tree Preservation Order. The trees are located adjacent to the footpath on a parcel of garden land open to the street.

## RELEVANT PLANNING HISTORY

There is no planning history available relating specifically to works to these trees

## PROPOSED DEVELOPMENT

This application seeks permission to carry out works to two trees; 1No Holm Oak (T1) - Crown raise to 5m targeting branches no greater than 100mm in diameter; cut back from adjacent dwellings to allow for 3m clearance, 1No Sycamore (T2) - Crown raise to 5m targeting branches no greater than 75mm in diameter

## NOTIFICATIONS

A site notice was posted close to the site and the following representation has been received:

We are the adjacent property No4, heavily affected by the tree currently over growing our property, and so support the application to trim this back. We were however concerned by the fact that the pictures in the application are out of date by significant time to depict the current situation, and possibly from the application made some years earlier. The tree is very much growing to one side, and we see little or any need to trim the trees on the side of No3. We also want to ensure that this time the tree is cut back, and lifted from No 4, as you will see in the photos, it was cut back unevenly last time, and more so on the side of the owners of the tree No3, and with very little on the side of No4.

**Broadstairs & St Peter's Town Council** - The Planning Committee of the Town Council has considered this application and resolved unanimously that the application be subject to inspection by the Arboricultural Officer at TDC and with Town Council recommendations as follows:

The Town Council policy for work on trees is as follows and we would respectfully ask that our recommendations are provided to the tree owner with any permission granted:

- Healthy trees are retained wherever possible.
- Only diseased or dying trees to be felled and only subject to a suitable replacement being planted. Where trees are being felled because of overcrowding, thinning rather than removal of all trees should be considered wherever possible.
- Remedial tree works i.e. Crown lift / Crown thin / Height reduction etc., to be kept to a maximum of 20% and expressed as such in the application.
- Works required for structural reasons i.e. impact of root damage to foundations and drains must be supported by recognized structural engineering evidence as well as a report from the Tree Officer.
- It is a criminal offence under the Wildlife and Countryside Act to disturb nesting birds. However, birds can roost in any month of the year. We require the applicant to check for nesting or roosting birds before undertaking works to trees and if birds are found to be nesting, for works to be postponed until nesting is complete. If birds present on the site are of high conservation concern ('red list'\* or 'amber list' birds\*\*), permission for the works should be refused unless there are overwhelming reasons for it to be given.

- No tree works should be permitted to take place during the main nesting period from mid-March until the end of August. Birds can nest or roost in any month of the year.

\* House Sparrow, Starling, Song Thrush

\*\* Hedge Sparrow (Dunnock)

## CONSULTATIONS

### **TDC Tree Officer:**

Comments: Tree Characteristics: T1 beautiful Holm Oak with good shape and form and appears very healthy. T2 Sycamore upright in habit drawn up by competition between the house and the holm oak, sycamore appears in good health

Acceptability of Proposal: T1 Holm Oak this is clearly necessary to overcome issues relating to constraints of the area. The pruning on the right towards the neighbours dwelling should also be mirrored to a degree on the other side, drawing branches away from the property above, but retaining good shape and form within the canopy. T2 Sycamore, the work proposed is fine.

Recommendations: T1 Holm Oak this is clearly necessary to overcome issues relating to constraints of the area. The pruning on the right towards the neighbours dwelling should also be mirrored to a on the other side drawing branches away from the property above, but retaining good shape and form within the canopy. T2 Sycamore, the work proposed is fine.

## COMMENTS

This application for works to protected trees is brought to Planning Committee as the applicant is related to an employee of Thanet District Council.

### **Principle**

The proposed works are to two 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.

### **Amenity**

The Holm Oak and Sycamore trees are located to the south east of the dwelling and are highly visible from the public highway being located adjacent to the footpath on a parcel of garden land open to the street. All properties within Upton Grange are covered by a blanket Tree Preservation Order (TH/TPO3(2002)) and the presence of mature trees within Upton Grange is a significant part of the character and appearance of the cul-de-sac.

The works proposed are to maintain the trees to ensure their long term wellbeing. The Holm Oak is touching No.4 and it is proposed to raise the crown of the tree to 5 metres, targeting branches no greater than 100mm in diameter; pruning back from the adjacent dwelling to allow for a 3 metre clearance. It is proposed to maintain the overall balance and symmetry of the tree. The Sycamore tree is closer to the edge of the highway than the Holm Oak and it is proposed to raise the crown of this tree to 5 metres, targeting branches no greater than 75mm in diameter. The works proposed are required to restore the balance of the tree and improve its physical appearance.

The Council's Tree Officer advises that both trees are in good health and confirms that the works to the Holm Oak are clearly necessary to overcome issues relating to constraints of the area. He comments that the pruning towards the neighbour's dwelling should also be mirrored to a degree on the other side, drawing branches away from the property whilst retaining good shape and form within the canopy. The works proposed to the Sycamore are considered to be acceptable.

### **Conclusion**

The works proposed are considered to represent a balance between the health and vitality of the trees and the amenity value they currently have and will continue to possess after the works. It is therefore recommended that Members approve the application subject to conditions.

### **Case Officer**

Rosemary Bullivant

TITLE:

TPO/TH/20/1529

Project

3 Upton Grange Broadstairs Kent CT10 2NS

