

A04

TPO/TH/22/0027

PROPOSAL: TH/TPO/20(1986) - 1No Ash (T1) - Crown lift to 6m, 1No Holly (T2) - Crown reduce to 4m and removal of epicormic growth,
LOCATION: 1No Cherry (T3) - Remove crossed branches, 2No Oak (T5 T6) - Fell, 1No Holm Oak (T7) - Remove left third of the stool to coppice, 1No Catalpa (T8) - Remove major cross branches crown reduce by 15% and crown thin by 30%, 1No Yew (T9) - Crown lift by 4m

St Peters Church Yard Hopeville Avenue BROADSTAIRS Kent CT10 2TR

WARD: St Peters

AGENT: No agent

APPLICANT: Mrs Nicola Dowsett

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.

3. The Council requires 2No. replacement tree to be planted, securely staked and tied within the next planting season following removal, in the same location approximately as the existing tree, the replacement trees being select nursery standard oak trees unless otherwise agreed with the Local Planning Authority. The Council to be notified in writing once this condition has been complied with.

GROUND:

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

SITE, LOCATION AND DESCRIPTION

The trees are located within the churchyard towards the rear of the church and the rear of the buildings located on the southern side of Hopeville Avenue. The trees are highly prominent within the church yard itself and are considered to make an important contribution to the character and appearance of the conservation area.

RELEVANT PLANNING HISTORY

There is no history of works to these trees.

PROPOSED DEVELOPMENT

This application proposes the following works to trees covered by TH/TPO/20(1986); - 1No Ash (T1) - Crown lift to 6m, 1No Holly (T2) - Crown reduce to 4m and removal of epicormic growth, 1No Cherry (T3) - Remove crossed branches, 2No Oak (T5 T6) - Fell, 1No Holm Oak (T7) - Remove left third of the stool to coppice, 1No Catalpa (T8) - Remove major cross branches crown reduce by 15% and crown thin by 30%, 1No Yew (T9) - Crown lift by 4m.

NOTIFICATIONS

A site notice was posted close to the site. One letter has been received raising concerns about the felling of the two Oak trees and stating that pollarding these trees would be preferable.

Broadstairs and St Peter's Town Council - The Committee objects to this proposal specifically to the felling of the two oaks (T5 and T6). The Committee would propose pollarding in preference of felling. All other proposals specified should be as per the Tree Officer's report.

CONSULTATIONS

TDC Biodiversity and Horticulture Officer - "T1 appears in healthy condition with reasonable shape and form, so work proposed will address issues relating to space constraints and nearness to buildings.

T2 appears in healthy condition with reasonable shape and form, so work proposed will address issues relating to space constraints and nearness to buildings.

T3 appears in healthy condition with reasonable shape and form, but clearly has some crossed branches that need removing to reduce wound development.

T5/T6 appear healthy previously coppiced, so although felled specified, they could come from base again, but would need a coppice every 3 to 4 years to stop predation into Liriodendron.

T7 this is clearly impacting path and therefore is appropriate work.

T8 this will clean up the tree and hopefully help induce regrowth and therefore tree longevity.

T9 a crown lift will allow access under the tree and minimise potential pedestrian eye contact with branches."

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 which are the subject of this application are considered to make a substantial contribution to the character and appearance of the area, and the conservation area, and great weight is placed upon their preservation.

The Council's Biodiversity and Horticulture Officer has visited the site to assess the application and has raised no objection to the works to T1-4 and T7-9.

The works to T1-3 appear necessary to reduce their proximity to the neighbouring buildings and remove branches that are crossed and have the potential to develop into wounds.

The removal of the Ivy on T4 does not require consent under the TPO regime.

The Council's Biodiversity and Horticulture has confirmed that T5 and T6 have been previously coppiced. Coppicing significantly alters the form of the trees by removing them back to ground level every few years. Trees that have been subject to this type of management are not normally considered suitable for protection as they are often multi stemmed and limited in scale. The sapling is of a limited size and age and therefore would not be covered by the TPO or Conservation area.

The works to T7 and 9 appear necessary to ensure that the trees do not present a hazard to users of the footpath.

T8 appears to be stressed with signs of dieback. Removal of dead branches does not require consent under the TPO regime and the Biodiversity and Horticulture Officer has indicated that the proposed reduction and thinning would help to induce regrowth in this tree.

RECOMMENDATION

The proposed 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/22/0027

Project St Peters Church Yard Hopeville Avenue BROADSTAIRS Kent CT10 2TR

Scale:

