

Mrs J Sheldrake
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TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H09-0503-20 **Date of Decision:** 19th August 2020

Applicant: Mrs J Sheldrake
2 Lime Grove
Holbeach
Spalding
PE12 7NG

Location: 2 Lime Grove Holbeach Spalding

Description: Works to Holbeach Tree Preservation Order No 4 1971

Detailed Description:

Application regarding works at 2 Lime Grove. The trees are subject to Holbeach Tree Preservation Order No. 4 1971 and are within Group 2 of the Order.

Please see accompanying the application, photographs and a plan to show the position of the trees.

Firstly a retrospective application to remove the mature lime from the front garden. In the applicant's own words:

'The lime tree was cut down on the evening of the 22 May 2020. It was in imminent danger of falling on the Residential Home positioned opposite our home and there was a strong risk of it endangering the lives of residents and staff and seriously damaging the structure of the nursing home. The seriousness of the situation can be verified by an officer from Lincolnshire Fire Brigade Watch Command, a SHDC Parks and Grounds Officer and the Arborist all of whom were in attendance.

The tree had until the late afternoon of 22 May shown no signs of threat. It was in full leaf and appeared to be healthy. At approximately 5.30pm on the afternoon in question during strong and surging winds a neighbour passing the tree noticed a large crack in the trunk and unusual sounds coming from the tree. From that time on the noise of breaking wood became louder. Whilst at the same time the crack became longer and deeper until it stretched from one side of the tree to the next with daylight visible through the tree. All the while the tree leaned increasingly heavily towards the residential home.

Expert advice will be sought to replant a Lime Tree in a suitable site.'

Secondly permission is sought with regard to works to a mature oak tree located in the south eastern corner of the rear garden. In the applicants own words:

'Permission is sought to fell the tree. The oak tree is showing signs of extensive disease, fungal attack and dieback to the full extent of its trunk. It is in close proximity to 3 Lime Grove and overhangs that property to such a degree that should the tree fall, in part or whole, lives and property would be endangered. Following consultation and advice from Arborist and observations of SHDC TPO Officer suggest felling the oak tree in 4 stages over a period of 4 years. Year 1 removal of top 25% of tree, Year 2 removal of second 25%, Year 3 remove remaining branches and Year 4 remove standing stump. The aim of the 4 year period is to mitigate any negative effect of felling the tree on the foundations of 3 Lime Grove.

Following expert advice replant an Oak Tree in a suitable site.'

Thirdly permission is sought with regard to works to a red horse chestnut tree, located in the front garden. In the applicants own words:

'Permission is sought to lift the crown by shortening length of hang from lower branches by 2 metres. These drooping branches are increasingly restricting light from the surrounding area of the garden.

Permission is also sought to reduce the height of the crown by 1 and a half metres. The trunk of the chestnut tree has a number of large and growing burls. It is hoped that the work proposed, following observations and discussion with SHDC TPO Officer, will reduce the stress on the tree and thus hopefully improve its health and thereby extend the life of the tree.'

South Holland District Council hereby give notice that this application has been GRANTED (or equivalent) subject to the following condition(s):

- 1 That the proposed work is carried out within two years of the date of this decision unless otherwise agreed with the District Council; except for the works to the oak, the dismantling of which is detailed in the description.
- 2 Work is to be carried out in accordance with BSI 3998 : 2010, 'Recommendations for Tree Work'.
- 3 The resulting stumps of the trees should be ground out to at least 300mm below ground level, unless otherwise agreed with the District Council, to help reduce the risk of the stumps harbouring decay fungi which could infect nearby trees.

Notes:

The necessary consent of all other interested parties should be obtained before the works proceed.

Avoid pruning horse chestnuts in the spring months directly prior to and immediately after bud opening as bleeding of sap from pruning cuts may be a problem. Ideally prune between leaf fall and February.

In this case the duty of the landowner is to plant another tree, of an appropriate size and species, at the same place and as soon as reasonably possible.

It is recommended that the lime tree is replaced with a species of lime (*Tilia* sp.) of at least 1.5 metres in height on planting, as near as reasonably practicable to the position of the original tree within a period of twelve months. Similarly the oak tree with a further oak of at least 1.0 metres in height on planting, once the original is eventually felled.

Please inform the Local Planning Authority as soon as replanting has taken place and indicate the position of the replacement trees. Section 207 of the Town and Country Planning Act 1990 empowers this Authority to issue a Notice formally requiring replacement trees to be planted.

Under the Wildlife and Countryside Act 1981 (as amended) all birds, their nests and eggs are protected by law and it is an offence to damage or destroy the nest of any wild bird while it is in use or being built. In the event of query please contact Natural England on Tel: 03000 603900.

Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and in the event that bats are living in any cavities in the tree(s), or if they are discovered while the works are taking place, please inform Natural England on Tel: 03000 603900 before works proceed.



Phil Norman
Planning and Building Control Manager
South Holland District Council

RIGHTS OF APPEAL:

Where an application is made to the Authority for consent and that consent is refused or is granted subject to conditions the applicant, if aggrieved by the decision, may appeal to the Planning Inspectorate (PiNS). Appeals must be received by the PiNS within 28 days of the Council's decision. The appeal should be made on the relevant TPO (consents) appeal form which can be obtained from PiNS. The form can be found on the Planning Portal website at:

www.planningportal.gov.uk/planning/appeals/otherappealcasework/treepreservation

Alternatively a form can be obtained by writing to The Environment Team, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN or telephone on 0117 3728192

If you visit the Planning Portal web site you will be able to complete the appeal form and return it to PiNS electronically via the email address:

environment.appeals@pins.gsi.gov.uk