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TOWN AND COUNTRY PLANNING ACT 1990

WORKS TO A PRESERVED TREE

Reference: H14-1200-21 **Date of Decision:** 13th January 2022

Applicant: Mr R Stamp
3 Birch Close
Pinchbeck
Spalding
PE11 3YH

Location: 4 Birch Close Pinchbeck Spalding

Description: Works to Pinchbeck Tree Preservation Order No 12 1997

Detailed Description:

Application to carry out works to the trees located in the gardens of 5 and 7 Captains Beck which overhang the fence line which divides Captains Beck from Birch Close, Pinchbeck. The trees are the subject of Pinchbeck Tree Preservation Order No 12 1997.

Please note that the original description of the proposed works was withdrawn by letter on 6th January 2022 following a site visit by the Trees and Nature Conservation Officer of the 5th January 2022. A new description was submitted to be considered under this Application:

'To prune trees overhanging garage and Birch Close drive to facilitate access for high vehicles, ambulances and possible fire engine if ever required, and to create more light and space.'

South Holland District Council hereby give notice that permission 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.
- 2 Work is to be carried out in accordance with BSI 3998 : 2010, 'Recommendations for Tree Work'. Taking care to prune back branches to existing growth points.

Notes:

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

This consent gives permission to ('prune'): Crown lift and reduce back branches from a garage roof (Incidentally the tree of heaven encroaching over the gable end of the Applicant's garage was excluded from the Tree Preservation Order when it was confirmed.) and to enable vehicular access along Birch Close, and therefore 'create more light and space.' As the trees are on neighbouring properties and their trunks are adjacent to the fence line, consideration needs giving to the retention of some of the overhanging growth to prevent the trees being structurally and appearing visually unbalanced. It is not the intention when granting permission for these works for them to result in the removal of full halves of trees which overhang Birch Close.

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.

(To avoid the Applicant any confusion, the aforementioned letter from the Applicant of 6th January 2022 referred to '(Plan no. TF524170 326180) dated 10th April 1997 'in the context used this should be the Plan no. TF524150 326170 dated 9th October 1997 which accompanied the Tree Preservation Order as Confirmed with modifications in red ink dated 10th October 1997.)



Phil Norman
Planning 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