

Mr M Seward
2 Cley Hall Gardens
Spalding
Lincs
PE11 2EA

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H16-0145-19 **Date of Decision:** 21st February 2019
Applicant: Mr M Seward
2 Cley Hall Gardens
Spalding
Lincs
PE11 2EA

Location: 2 Cley Hall Gardens Spalding
Description: Works to Spalding Tree Preservation Order No. 2 1964.

Detailed Description:

Application to carry out works on a pine tree located in the rear garden of 2 Cley Hall Gardens adjacent to the north western boundary with 4 Cley Hall Gardens. The tree is located within Group One of Spalding Tree Preservation Order No.2 1964.

Extracts from application and associated correspondence:

'Very large Scots pine. Age unknown but thought to be from 1940's. Now shows many dead branches and significant trunk movement in high winds,'

'Should the tree fall in any direction it would cause significant damage to property. In the worst case it is a threat to life as well as the house and nearby buildings and in any other instance to fences, greenhouses and sheds.'

'We seek permission to reduce the tree to a height which will render it safe and no longer a risk to life and property.'

'It is presently some 5 metres from the nearest point to the rear of the house and a reduction in height to say, around 6 or 7 metres high with the associated reduction in windage would seem appropriate.'

To remove it completely is not a practical solution since it would involve major construction work regarding the banked area on which the tree is sited and there is no access to the rear garden for suitable heavy equipment.'

'It would not be our intention to retain the branches'.

(Basically an application to reduce a fine pine tree to a stump of 6 to 7 metres, which will in effect equate to the tree's removal; due to lack of certainty of root structure in relation to adjacent rockery and resulting stability).

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.
- 2 Work is to be carried out in accordance with BSI 3998 : 2010, 'Recommendations for Tree Work'.

Notes:

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

It may be advisable to obtain the opinion of a qualified arboriculturist regarding the potential effect that the removal of the tree could have on nearby built structures.

Ideally the resulting stump of the tree should be ground out to at least 300mm below ground level, to help reduce the risk of the stump harbouring decay fungi which could infect nearby trees.

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 pine tree (which due to the severity of the proposed pruning will effectively be dead) is replaced with a further pine tree of at least 2 metres high on planting, of a species which has the potential to grow to at least 10m in height when fully mature (not a miniature tree), as near as reasonably practicable to the position of the original tree within a period of twelve months. In this instance as near as practicable is considered to be in a location within Group One of Spalding Tree Preservation Order No.2 1964. (It is thought that the well established Catalpa and Robina already count towards compensating for preserved trees which have been removed from Group One in the past and can therefore not be a replacement for the pine).

Modifications to the details may be agreed with the Local Planning Authority.

Please inform the Local Planning Authority as soon as replanting has taken place and

indicate the position of the replacement tree. 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