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TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H16-0391-23 **Date of Decision:** 31st May 2023
Applicant: S A S Lettings Agents Ltd
1 Crackpool Lane
Spalding
Lincolnshire
PE11 1WD
Location: Sterling House 85 St Thomas Road Spalding
Description: Works to Spalding Tree Preservation Order No 54 1993

Detailed Description:

Application concerning a mature weeping willow tree on the frontage of Sterling House, St Thomas's Road.

The tree is located within Group One of Spalding Tree Preservation Order No. 54 1993.

'Request removal due to structural damage beyond repairs, the tree is too close to the road and is at danger of further decay if left. It is not possible to pollard as it will be rotting out too low to the ground therefore its not practical to do a pollard. We have spoken with the Council and the owners of the tree and we are in agreement to replant Two Flowering Cherry trees in its place if we are to be granted permission, these will give a quick growth but be a much better tree for the location and on the positive side give some nice colour to the area.

Attached separately are the original copy of TPO and Map and grid reference for the tree in question.'

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'.
- 3 The resulting stump of the tree 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 stump harbouring decay fungi which could infect nearby trees.

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 arboriculturalist regarding the potential effect that the removal of the tree could have on nearby built structures.

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 tree is replaced with a flowering cherry of at least 1.5 metres high on planting as near as reasonably practicable, to the position of the original tree, within a period of twelve months. This tree will be subject to the original Order, and planted under the 'duty' to plant another tree. In addition as compensation for the removal of the very large weeping willow, the Applicant has kindly volunteered to provide an additional replacement flowering cherry to enhance the street scene.

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

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:

<https://www.gov.uk/appeal-decision-about-tree-order>

Alternatively a form can be obtained by writing to Environment Appeals, Room 3A Eagle Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN or telephone on 0303 444 5000.

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:

treeandhedgeappeals@planninginspectorate.gov.uk