

Mr R Cooling
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TOWN AND COUNTRY PLANNING ACT 1990 WORKS TO A PRESERVED TREE

Reference: H16-0901-21 **Date of Decision:** 17th December 2021

Applicant: Mr R Cooling
Yew Lodge
21 High Street
Spalding
PE11 1TX

Location: Yew Lodge 21 High Street Spalding

Description: Works to Spalding Tree Preservation Order No 01 1961

Detailed Description:

Application to remove a mature pine tree which grows in the vicinity of the south eastern corner of the grounds of YEW LODGE, 21 HIGH STREET, SPALDING, PE11 1TX.

The tree has grown with a pronounced lean for a considerable time. In spite of this a new dwelling, 3a Beechfield Gardens, was constructed within falling distance of the tree.

In the Applicant's words: ' Scottish Pine, fell as it has over the last 2 years started to lean towards 3a Beechfield Gardens. We both 'the Applicant and Neighbour '(Beechfield Gardens) would like to remove the tree completely as we feel it is now unsafe and past its best (photographs attached).'

Although the description provided by the Applicant is not strictly true; the tree having leaned in a similar manner to what it does at present before the neighbouring property was built, so it cannot have started to lean in the last 2 years; all things considered it was felt that there is a potential safety issue present.

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. Please see the note below with regard to potential alternate works.

- 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.

(Should the Applicant prefer to the seek professional advice with regard to the possible reduction of the tree as an alternative option to felling and replanting, then a further Application reflecting this may be submitted to the Local Planning Authority.)

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 further Scots pine of at least 1.5 metres on planting as near as reasonably practicable to the position of the original tree within a period of twelve months.

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.

The tree does contain holes, likely to be excavated by woodpeckers. Photographs indicate that some were present by 26/01/2012 so are likely to have well established occupants.

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. The provision of nest boxes nearby, to help to offer an alternative to the holes in the tree should it be removed, is to be encouraged.

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. A full survey should be carried out before any works take place.

Should it be intended to fell the tree, and a colony of honey bees be present in any of the holes when works take place; it is strongly recommended that a bee keeper is contacted so that the bees may be given alternative accommodation. (Lincolnshire Bee Keepers Association: lincsbka.org.uk, swarm collection: bbka.org.uk/swarm).

A handwritten signature in blue ink, appearing to read 'Phil Norman', with a long horizontal stroke extending to the right.

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