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TOWN AND COUNTRY PLANNING ACT 1990

WORKS TO A PRESERVED TREE

Reference: H20-0392-19 **Date of Decision:** 10th September 2019
Applicant: Subsidence Management Services
First Floor Gateway House
4 Penman Way
Grover Business Park
Leicester

Location: The Yews 2 Jarvis Gate Sutton St James Spalding
Description: Works to Sutton St James TPO No. 2, 1988

Detailed Description:

'T1 - Oak - Fell

The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability.

Estimated costs of repair to the building are £30k if the influence of the tree(s) remain and £7.5k if the proposed tree works are allowed to proceed. Granting permission will limit these costs. In the event of a refusal we, or our clients, will seek to secure compensation for the additional costs incurred through Section 202(e).

Should the tree/s remain the total cost of repairs will be the Superstructural repairs + Alternative method of repairs = £37.5k

It is the expert opinion of both the case engineer and arboriculturalist that on the balance of probabilities the supporting information demonstrates the influence of the tree(s).'

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'.
- 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.
- 4 The oak to be felled shall be replaced (it is suggested by a hornbeam, as they are low water demand trees which grow well in clay soils), of at least 1.5m high on planting within a period of twelve months from the date of felling. The replacement shall be within the grounds of The Yews, 2 Jarvis Gate at an appropriate distance from built structures, (ultimate tree height should not exceed 75% of the available distance to built structures.) Modifications may be agreed in writing with the Local Planning Authority.
- 5 If within a period of five years from the date of planting, the tree (or any other tree planted in replacement for it) is removed, uprooted or destroyed or dies, another tree of the same size and species shall be planted at the same place, or in accordance with any variation for which the Local Planning Authority give their written consent.

Notes:

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

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

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