

**REPORT FROM:** PLANNING, BUILDING CONTROL & LICENSING SERVICES  
MANAGER

**TO:** WEST CRAVEN AREA COMMITTEE

**DATE:** 6<sup>th</sup> February 2018

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## **Application for Works to Protected Trees – St. Michael's Church, Bracewell**

### **PURPOSE OF REPORT**

To grant permission for the removal of protected trees.

### **RECOMMENDATIONS**

Grant permission for the removal of the tree with the condition to replace the trees.

### **REASONS FOR RECOMMENDATIONS**

- (1) Preserve the boundary wall of the Grade I listed building.
- (2) Prevent the boundary wall becoming a greater hazard.
- (3) Preserve the footpath adjacent to the highway.

### **ISSUE**

1. On 3<sup>rd</sup> October 2017 a report by the Principal Environment Officer presented a report to West Craven Area Committee with regard to the trees on the boundary of St. Michael's Church and Bracewell Lane, Bracewell.
2. Along the boundary of St. Michael's Church, Bracewell are a group of trees. The roots of the trees are causing damage to the wall and in some places causing it to collapse.
3. The trees are protected by a Tree Preservation Order (TPO/NO1/1969). A consent notice must be issued before any works can be carried out on the trees.
4. On Tuesday 12<sup>th</sup> December a meeting took place with the Principal Environment Officer, Building Control Manager, the Arboricultural Consultant, an Engineer representative from the Churches Diocesan Advisory Committee and Mr. Pilkington, Trustee of the Church.

5. The group discussed various methods of repairing the retaining wall but it was found that each method would have a serious impact on the roots and stems of the trees or on the highway. Each method would require a structural backing to the stone facing of the wall. The structural design provided indicates blockwork walling as the backing but an alternative design could have been put forward of reinforced concrete. Either method is necessary for the proposed wall to adequately retain the weight of earth behind the wall to a currently acceptable standard. It would be necessary to cut back into the embankment in order to form the necessary space to form the structural backing to the wall and its foundation. In carrying out these works it would be impossible to avoid cutting back major roots and/or in to the stem near to the base of the tree.
6. It would be likely that the trees would not survive the works and in any case would potentially destabilise the trees, increasing the risk of the trees falling across the highway.
7. Any works into the highway would narrow the carriageway further and could present a hazard (approval for this type of work would require the consent of the highways authority).
8. Under Section 24 of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 the Council may be liable for compensation for loss or damage caused or incurred in consequence of it refusing any consent under an Order.
9. As result the Principal Environment Officer and the Building Control Manager recommend that consent is given to remove the trees and repair the wall with the condition that the trees are replaced (see appendices).
10. The Principal Environment Officer will make a variance to the Tree Preservation Order to include and protect the replacement trees.

## IMPLICATIONS

**Policy:** Pendle Local Plan Part 1: Core Strategy – ENV1, Protecting and Enhancing Our Natural and Historic Environments

**Financial:** Under Section 24 of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 the Council may be liable for compensation for loss or damage caused or incurred in consequence of it refusing any consent under an Order.

**Legal:** None

**Risk Management:** None

**Health and Safety:** None

**Sustainability:** None

**Community Safety:** The footpath adjacent to highway is closed due to the risk of falling stone. This means that pedestrians have to walk out on to a country lane. Carrying out the work to the necessary structural design would potentially destabilise the trees

## APPENDICES

1. Planting Plan
2. Conditions to be included into the consent.

## LIST OF BACKGROUND PAPERS

Application for Works to Protected Trees – St. Michael's Church, Bracewell. 21<sup>st</sup> September 2017.