

REPORT FROM: PLANNING, BUILDING CONTROL & LICENSING SERVICES
MANAGER

TO: BARROWFORD & WESTERN PARISHES AREA COMMITTEE

DATE: 7TH June 2018

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APPLICATION FOR WORKS TO PROTECTED TREES

PURPOSE OF REPORT

To grant permission to elected member for work to protected trees.

RECOMMENDATIONS

(1) Grant permission for the works with conditions (see paragraph 6 and 7).

REASONS FOR RECOMMENDATIONS

(1) To improve the landscaping of the site and progress development.

ISSUE

1. The owner of the property, 47 Carr Hall Road, Barrowford, wishes to restore the site back to a tennis court and landscaped gardens.
2. The trees were inspected by the Principal Environment Officer and found to be in reasonable condition although they would not be considered good specimens.
3. Some of the trees are subject to Tree Preservation Order (TPO/NO4/1980 Carr Hall, Barrowford). However, the remainder trees are subject to protection by the Carr Hall Road Conservation Area.
4. The property belongs to an elected member of the Council and therefore requires the approval of the Area Committee in order to issue a consent notice.
5. Work required to the trees (see attached plan) would be:

Tree Number	Description
T1	Sycamore: Remove multi-stemmed tree due to decline, limited life span and risk of failure.
T2	Pine: (Not covered by TPO but by Conservation Area) Remove due to overall decline and the suppression of a Monkey Puzzle that has the potential to make a nice feature tree. Tree not suitable for Tree Preservation Order.
T3	Oak: (Not covered by TPO but by Conservation Area) Tree is heavily suppressed, weak and has poor form. This tree is also suppressing the Monkey Puzzle tree. Tree not suitable for Preservation Order.
T4	Leylandii: (Not covered by TPO but by Conservation Area). Due to its situation the tree is unlikely to grow to its full potential and is not suitable for Tree Preservation Order.
T5-T8	Birch: Trees are in various states of decline.
T9	Birch: Dead.

Conditions

6. To mitigate the loss of the trees the owner has agreed to plant;

- 5 no. Holly
- 3 no. Oak
- 5 no. Field Maple
- 5 no. Silver Birch
- 5 no. Hornbeam
- 2 no. Beech
- 5 no. Flowering Cherry

The trees would be 12 – 14cm girth, approximately 2.5 – 3m tall.

This will improve the diversity of species in the garden, create an understory and have greater benefits of wildlife. This would be conditioned as part of the consent.

7. The consent would include the following conditions:

- The works hereby consented shall consist only of those detailed in the application, as qualified by these conditions, and shall be completed in their entirety.

Reason: To ensure the continued protection of the tree(s).

- All works shall be carried out by an appropriately experienced, qualified and insured tree surgeon.

Reason: To ensure high standards of tree care are maintained, promoting healthy, safe trees that continue to provide amenity and ecological value to the area and/or site.

- All works shall be carried out so as to conform to British Standard 3998:2010, *Tree Works – Recommendations*.

Reason: To ensure high standards of tree care are maintained, promoting healthy, safe trees that continue to provide amenity and ecological value to the area and/or site.

- The stumps of the felled tree(s) shall not be chemically treated and shall be grubbed or ground out and removed at the time of felling.

Reason: To ensure that the tree does not regrow.

- The works hereby permitted are to be completed within six months.
- No planting works shall be carried out until the local planning authority has approved in writing the full details (including location, species, size at planting and the approximate date of when it is to be planted) of every tree and shrub and hedge to be planted by the way of replacement for those to be felled under the terms of this consent.

Reason: To ensure that the amenity and ecological value of the area and/or site is maintained.

- Trees and shrubs shall be planted to replace the trees to be felled under the terms of this consent, in accordance with details supplied by the applicant in the letter to the local planning authority of *(date)* and shown on drawing number *(specify)*.

Reason: To ensure that the amenity and ecological value of the area and/or site is maintained.

- The replacement trees to be planted in accordance with the above condition(s) are to be planted in the next planting season following felling.

Reason: To ensure that the amenity and ecological value of the area and/or site is maintained.

- No works shall be carried out, within a period five years from the completion of this consent for the cutting down, felling, uprooting, removal, destruction, lopping, or topping of any trees or shrubs or planted in accordance with the Conditions, or any tree or shrub planted as a replacement for any of those trees or shrubs other than as may be approved by the Council in writing.

Reason: To ensure high standards of tree care are maintained, promoting healthy, safe trees that continue to provide amenity and ecological value to the area and/or site.

- If, within a period five years form the completion of this consent any of the trees or shrubs or planted in accordance with the Conditions, or any tree or shrub planted as a replacement for any of those trees or shrubs, is cut down, felled, uprooted, removed, or destroyed, or dies, or becomes, in the opinion of the Council, seriously damaged or defected;

- a) The Council shall be notified as soon as reasonably practicable;
- b) Another tree or shrub of the same size and species shall be planted at the same location, at a time agreed in writing by the Council;

Unless the Council agrees in writing to dispense with or vary the requirement.

Reason: To ensure high standards of tree care are maintained, promoting healthy, safe trees that continue to provide amenity and ecological value to the area and/or site.

Informative

- Nesting Birds

Anyone who takes, damages or destroys the nest of any wild bird whilst that nest is in use or being built is guilty of an offence under the Wildlife and Countryside Act 1981 and prior to commencing work you should ensure that no nesting birds will be affected.

- Bats and bat roosts

Anyone who kills, injures or disturbs bats, obstructs access to bat roosts or damages or disturbs bat roosts, even when unoccupied by bats, is guilty of an offence under the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats, &c.) Regulations. Prior to commencing work you should ensure that no bats or bat roosts would be affected. If it is suspected that a bat or bat roost is likely to be affected by the proposed works, you should consult Natural England (0845 6003078).

- Please complete and return the attached form when the replacement tree(s) has/have been planted in order that a site inspection can be made.

IMPLICATIONS

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

Financial: None

Legal: None

Risk Management: Appellant can make a claim for loss, damage or injury caused by the refusal of the Council to grant permission to fell trees that are likely to become hazardous within a twelve month period.

Health and Safety: None

Sustainability: Carrying out work will promote the longevity of trees covered by the Preservation Order and Conservation Area and their amenity value to the Borough. Newly planted trees contribute to the mitigation of climatic change and provides habitat for wildlife.

Community Safety:

Equality and Diversity:

APPENDICES

Appendix 1 – Site plan.

LIST OF BACKGROUND PAPERS