

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT & REGULATORY SERVICES MANAGER**

**TO: COLNE AND DISTRICT COMMITTEE**

**DATE: 9<sup>th</sup> JANUARY 2020**

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**APPLICATION FOR WORK TO PROTECTED TREES – CHRIST CHURCH  
C. OF E. CHURCH, LANESHAWBRIDGE**

**PURPOSE OF REPORT**

To determine the application.

**RECOMMENDATIONS**

Grant consent for the works as applied for with the suggested conditions.

**REASONS FOR RECOMMENDATIONS**

The trees are in such a condition that they pose a hazard to the highway, users of the site and adjacent school and Council staff working on site.

**ISSUE**

1. Towards the end of August a large beech tree in the grounds of the closed church yard at Christ Church failed. Fortunately there was no damage or injuries. However, the tree was left in a dangerous condition and made the adjacent tree unsafe.
2. The Council are responsible for the maintenance of closed church yards. It is the view of the Council's legal department that the Council is responsible for any damage or injury caused by trees on the site.
3. In light of the failure the Principal Environment Officer undertook a survey of trees that could present a hazard. The survey found that 9 trees need removal due to health issues (see appendix 1).

4. The trees are protected by Tree Preservation Order (TPO/NO1/1963) and as a result the Parks Officer submitted an application to carry out works to the trees as per the Principal Environment Officers recommendations.
5. As the application has come from the authority with the involvement of the Principal Environment Officer then the application must be determined by Committee.
6. Site notices were placed as per the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and no representations have been made to the Council.
7. The Diocese were approached for an opinion on planting replacement trees but have not responded to the email.
8. It is recommended that the works be allowed to go ahead in order to prevent an accident that could leave the Council vulnerable to litigation in the near future.
9. The Principal Environment Officer suggests the following replacements to ensure the amenity value of the site is maintained:
  - 4 no. Oak (*Quercus robur Fastigiata*)
  - 4 no. Hornbeam (*Carpinus betulus Fastigiata*)
  - 1 no. Yew
10. The Principal Environment Officer also suggests that the following conditions be attached to the consent.
  1. 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).
  2. 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.
  3. 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.
  4. The stumps of the felled tree(s) shall grubbed or ground out and removed at the time of felling.  
  
Reason: To prevent re-growth.
  5. The works hereby permitted are to be completed within two years.
  6. 4 no. Oak (*Quercus robur Fastigiata*), measuring 10-12cm girth at the time of planting; 4 no. Hornbeam (*Carpinus betulus Fastigiata*) measuring 10-12cm girth at the time of planting; and 1 no. Yew (*Taxus baccata*) measuring 100/125 cm at the time of planting, shall be planted to replace the trees 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.

7. 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.

## **IMPLICATIONS**

### **Policy:**

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

### **Financial:**

The works will be carried out within the constraints of current budgets.

### **Legal:**

Committee need to make the decision in order for the Council to comply with its obligations as laid down in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

### **Risk Management:**

The works are necessary to prevent an accident in the near future.

### **Health and Safety:**

The general public have open access to the site as such the work is required to fulfill the Councils duties under the Occupiers Liability Act 1957 and 1984.

Council staff regularly work underneath the trees and as such the work is required to fulfil the Councils obligations under the Health and Safety at Work Act 1974.

### **Sustainability:**

Planting of replacement tree will provide future tree cover and ensure amenity value of the site.

### **Community Safety:**

None

### **Equality and Diversity:**

None

## **APPENDICES**

Appendix 1 – Application form and associate documents.

## **LIST OF BACKGROUND PAPERS**