

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

**CONFIRMATION OF TREE PRESERVATION ORDER
HOLLY LODGE, CHURCHTOWN, BELTON ORDER 2008**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To decide whether or not to confirm a Tree Preservation Order made under a section 201 direction on a mature Ash tree within the rear garden of Holly Lodge, Churchtown, Belton.

2. BACKGROUND INFORMATION

- 2.1 Following a call from a concerned member of the public regarding the imminent removal of a mature Ash tree located within the rear garden of Holly Lodge, Churchtown, Belton a Council representative visited the site location. The contractor was stopped from continuing work on the tree.
- 2.2 In order to prevent the tree being removed immediately a Tree Preservation Order was placed on the tree using the Section 201 direction on the 17th December 2008.
- 2.3 Use of the section 201 direction, gives 6 months for the Council to consider the situation surrounding the tree and whether confirmation of the order is required.
- 2.4 Due to letters of concern from local residents regarding the making of the tree preservation order and the original concerns for the tree being removed, the decision of confirmation is being brought to the Planning Committee.

3. ISSUES FOR CONSIDERATION

- 3.1 The issue for consideration is whether the Tree Preservation Order should be confirmed taking into account the amenity value of the tree, an assessment of the tree within the character of the local area, together with the condition of the tree.
- 3.2 The tree is situated on the edge of the village settlement of Belton, can be seen from A161 over the open arable fields. The tree is therefore

visible over a reasonable distance from within the public street scene. It appears to be one of a line of Ash trees running approximately east to west and this may indicate that it is part of an original hedge line.

- 3.3 The tree location is within the southern half of the rear garden. This is outside the development area, but within LC14 of the Local plan – Area of Special Historic Interest, the Isle of Axholme having been identified as having areas of open strip fields and turbaries of national importance. The character of this area is therefore one of an open landscape.
- 3.4 A Council representative, a qualified Arboriculturist, has undertaken a close-up inspection of the tree since the 201 direction was made to determine the condition of the Ash tree and the potential surrounding site constraints.
- 3.5 The Ash tree is a mature tree situated in a paved area in the rear garden of Holly Lodge and is immediately adjacent to the boundary wall with adjacent property to the east. The buttress roots of the tree have started to move the wall out of alignment, and were the tree retained, an engineering solution using a lintel system straddling the roots will be required in order to resolve this problem.
- 3.6 The tree itself does not appear to be in good condition. There are many branches within the canopy that appear to be dead with diameters of up to 10cm across. It is estimated that between 20 – 30% of the tree branches are such a condition, many of these branches overhang neighbouring properties and sheds etc that have recently been built directly under the tree canopy.
- 3.7 The tree is also heavily laden with keys (winged seeds) produced over the last year, which are often an indicator of a stressed tree. The presence of these keys together with the amount of dead wood now being produced by the tree is of concern and could indicate its now starting to regress and dieback. A tree in such a condition is considered not worthy of a Tree Preservation Order.

4. **RESOURCE AND OTHER IMPLICATIONS**

- 4.1 Financial - None
- 4.2 Staffing - None
- 4.3 Statutory - None
- 4.4 Environmental and Other - Potential loss of tree from the Belton landscape.

5. OUTCOMES OF CONSULTATION

- 5.1 Three letters have been received regarding the placing of a TPO on this tree; these were from tree owner, Mr. Smith; nearby neighbours, Mr. Halloran; and the tree contractor, Mr. Robinson; who had commenced the works.
- 5.2 Mr. Robinson, the contractor states he considered the tree as potentially dangerous due to the number of dead branches within the tree that are likely to fall and have already fallen, and the pushing over of the boundary wall.
- 5.3 Correspondence from a Mr. Halloran suggests that the Council should not confirm the order due to the current danger from upper branches being dead and the tree causing a boundary wall to lean dangerously.
- 5.4 Mr. Smith states that he and his partner are keen gardeners. When they became concerned about the condition of the ash tree got guidance from Mr. Robinson, a tree contractor. Mr. Smith considered that the removal of the ash tree was necessary in order to mitigate the threat to persons or property, which was always his primary concern. They believe that the trees poses a serious threat of injury or damage to neighbours also due to dead branches overhanging into adjacent property. Mr. Smith does not have good relations with these neighbours and has already incurred costs following damage to neighbours property following dropping branches and sees that the removal of the tree is a reasonable action to prevent continuing damage and danger.

6. RECOMMENDATIONS

- 6.1 Due to the poor condition of the tree and the dangers of falling branches and toppling wall, it is not expedient to confirm the order on this tree.

HEAD OF PLANNING AND REGENERATION

Church Square House
SCUNTHORPE
North Lincolnshire
DN15 6XQ

Author: Andrea Brocklebank
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Background Papers used in the preparation of this report