

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

**CONFIRMATION OF TREE PRESERVATION ORDER
HILLCREST, 33 HIGH STREET, EPWORTH ORDER 2009**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To decide whether or not to confirm this Tree Preservation Order as it was made, or with modifications.

2. BACKGROUND INFORMATION

- 2.1 The property of Hillcrest, 33 High Street, Epworth is within the Conservation Area of Epworth. Anyone proposing to cut down or carry out work on a tree within a conservation area is required to give the Local Planning Authority (LPA) six weeks' prior notice. The purpose of this requirement is to give the LPA an opportunity to consider whether a Tree Preservation Order (TPO) should be made in respect of the tree. Trees with a diameter less than 7.5cm (measured at 1.5m above ground) are exempt from this requirement.
- 2.2 An application 2009/0245 was registered on 4th March 2009 giving Notice of Intention to remove 4 trees within the rear of Hillcrest, 33 High Street, Epworth.
- 2.3 There are other trees on this site. One tree, a mature Sycamore, is already protected as T41 of the Epworth No.1 Order 1977. This tree was not being considered for removal. There are also smaller trees within site that are exempt from needing consideration from the LPA before works can be undertaken on them, most within a line of Conifer hedge that has been left to grow out.
- 2.4 There were four objections to initial Conservation Area application. Epworth Town Council also objected to the removal of these trees, as they were concerned that the removal of these would damage other trees (the sycamore) already protected with a tree preservation order.
- 2.5 The site was visited by the LPA tree officer and due to objections being submitted an emergency TPO was placed on the trees, to protect them until more detailed consideration could be given. There are 5 trees within this order their locations are approximately as indicated on the attached map, however the cedar (T5) is closer to the property than shown:

- T1 – Yew
- T2 – Leyland Conifer
- T3 – Lombardy Poplar
- T4 – Ash
- T5 – Cedar

A mature sycamore tree already protected by a previous TPO in 1977 is situated next to T3 on its western side, between it and T2 on the map.

3. ISSUES FOR CONSIDERATION

- 3.1 Consideration needs to be given as to whether the trees within the order are worthy of a TPO and whether it is expedient to protect them. In order to do this each tree needs to be considered on its own merits and whether the removal of the tree causes harm to the character and appearance of the conservation area.
- 3.2 Of the five trees, only one can be seen from the wider landscape, this being T3 – Lombardy Poplar. A Council representative with good knowledge and qualifications in Arboriculture visited the site and assessed the trees from an arboricultural and landscape perspective.
- 3.3 T1 – Yew is a semi-mature tree at present and is not clearly visible from the public viewpoints. However as Yew is long lived species it is considered that if protected has the potential of becoming a large and more significant tree on this site in the future.
- 3.4 T2 – Leyland Conifer is within and part of the outgrown hedge. The reason for its inclusion within the original application is due only to it being marginally bigger than the 7.5cm exemption point. It would not be easily possible to keep this tree whilst removing the rest of the outgrown hedge and it would not be considered to be worthy of a TPO. It would have low amenity value even if it could be retained due to its poor form because of growing within the hedge.
- 3.5 T3 – Lombardy Poplar is a large mature tree that is significant within the site and can be clearly seen from main public areas around Epworth. The structure of the tree cannot be clearly defined or assessed due to heavy ivy presence over the bottom half of the tree. The ivy would need to be carefully severed and allowed to die back before comments regarding the general structure of the tree could be made.
- 3.6 T4 – Ash is a small tree hidden between the existing dwelling and the larger Sycamore and Poplar tree to the south and cannot be seen from outside the site. The tree is considered to be of poor form as it has twin leaders and shows a potential of future splitting of the tree at the junction of these branches. It is not considered worthy of a TPO.
- 3.7 T5 – Cedar is small tree not visible from outside of the site. The proximity of this tree to the existing dwelling (approximately 5metres) means that if this tree does not have enough space to grow to maturity as it would be

touching the property and cause actual physical nuisance. It would not be expedient to confirm this within the TPO.

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 trees within the Conservation Area of Epworth

4 OUTCOMES OF CONSULTATION

4.1 Following the emergency protection on the trees, there was one letter of objection from Mr. Forrester, the agent of the site owner, and one letter supporting the order.

4.2 Mr. Forrester stated that the owner of the site was objecting to the making of the order as the trees were not in a healthy condition, impacting on property, restricting growth of other trees, or are poor specimens not worthy of an order. He also said that a tree report had been commissioned and would be forwarded in due course. No such report has been forthcoming and waiting for this has caused delay in taking this report to Committee for consideration.

5 RECOMMENDATIONS

5.1 Taking into account the condition and visual amenity value of the 5 trees that the Tree Preservation Order is modified with T2 – Leyland Conifer, T4 – Ash and T5 – Cedar excluded from the order. The order should therefore be confirmed with T1 – Yew and T3 – Lombardy Poplar enjoying continued protection.

SERVICE DIRECTOR HIGHWAYS AND PLANNING

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Background Papers used in the preparation of this report

None.


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Drawn by: AB	Date: 12/03/2009
Scale: NOT TO SCALE	OS Grid Ref: SE78170383



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