

<b>SUBJECT:</b>	<b>CONFIRMATION OF TREE PRESERVATION ORDER 156</b>
<b>DIRECTORATE:</b>	<b>COMMUNITIES AND ENVIRONMENT</b>
<b>REPORT AUTHOR:</b>	<b>KIERON MANNING, PLANNING MANAGER</b>

## **1. Purpose of Report**

- 1.1 To have confirmed one (temporary) Tree Preservation Order made by the Planning Manager under delegated powers. The Order currently provides 6 months of temporary protection for the trees, but is required to be confirmed by the Planning Committee to provide long term future protection.

## **2. Executive Summary**

- 2.1 A Tree Preservation Order gives statutory protection to trees that contribute to the amenity, natural heritage or attractiveness and character of a locality.
- 2.2 The making of any Tree Preservation Order is likely to result in further demands on staff time to deal with any applications submitted for consent to carry out tree work and to provide advice and assistance to owners and others regarding protected trees. This is, however, contained within existing staffing resources.
- 2.3 The making of Tree Preservation Order reduces the risk of losing important trees, groups of trees and woodlands. It further allows the Council to protect trees that contribute to local environment quality.
- 2.4 The process of applying for work to protected trees allows for elected members, and members of the public to have an opportunity to comment on work to protected trees.

## **3. Background**

- 3.1 Tree Preservation Order 156 was made on 22 March 2018 protecting a group of 49 Mixed Species located adjacent to the Car Park at The Lincolnshire Poacher, Bunkers Hill Lincoln.
- 3.2 The trees are considered to contribute to the visual amenity of the area and the unauthorised removal of the trees would be considered to be detrimental to visual amenity.
- 3.3 The initial 6 months of protection would end for the Tree Preservation Order on 22 September 2018.

## **4. Consideration**

### **4.1 Tree Preservation Order 156: Group of trees comprising 49 mixed species as shown on attached schedule.**

The reason for making a Tree Preservation Order on this site is to protect an important group of trees that provide a visually pleasing screen between the residential area of Sympson Close and the commercial area presently occupied by the Lincolnshire Poacher Public House and which make a positive contribution to the appearance of the area.

The belt of trees is approximately 80 metres in length, extending from the northern corner of the central car park to the southern corner adjacent to the residential property of No. 20 Sympson Close.

The width of the tree belt varies from some 3 to 5 metres and consists of 49 early mature trees including Hornbeam, Field Maple, Ash and Whitebeam.

The trees appear to have been planted as part of a landscaping scheme dating back to when the site was commercially developed as a public house and are reasonably healthy, with a safe useful life expectancy range of between 20 to 40+ years. Their height ranges from approximately 5 metres to 12 metres, with mean stem diameters as measured at 1.5 metres above ground level of approximately 220mm.

Given that the trees are visible from the public highways of Sympson Close and, to some extent the A15 Bunkers Hill, as well as screening the commercial aspects of the pub, its car park and future commercial development from the residential area, this group of trees are considered to be of high amenity value.

Following the statutory 28 day consultation period a letter was received from No. 20 Sympson Close supporting the Tree Preservation Order but requesting some changes to the trees included in relation to his property. This was considered by the Arboriculturist who recommended that the plan be revised to incorporate some of the suggestions made in that letter amending the number of trees included from 49 to 47. The Tree Preservation Order plan has been updated accordingly and is attached to this report.

There were 3 additional letters of support from residents of Sympson Close, no objections were received.

Confirmation of the revised Tree Preservation Order here would ensure that the trees could not be removed or worked on without the express permission of the Council.

## **5. Organisational Impacts**

### **5.1 Legal Implications – Anyone who wishes to carry out works to the trees will require consent from the City Council first.**

**6. Recommendation**

6.1 It is recommended Members confirm the Tree Preservation Order with modifications as shown on the revised plan to include a Group of 47 mixed species trees, and that the Officer carries out the requisite procedures for confirmation.

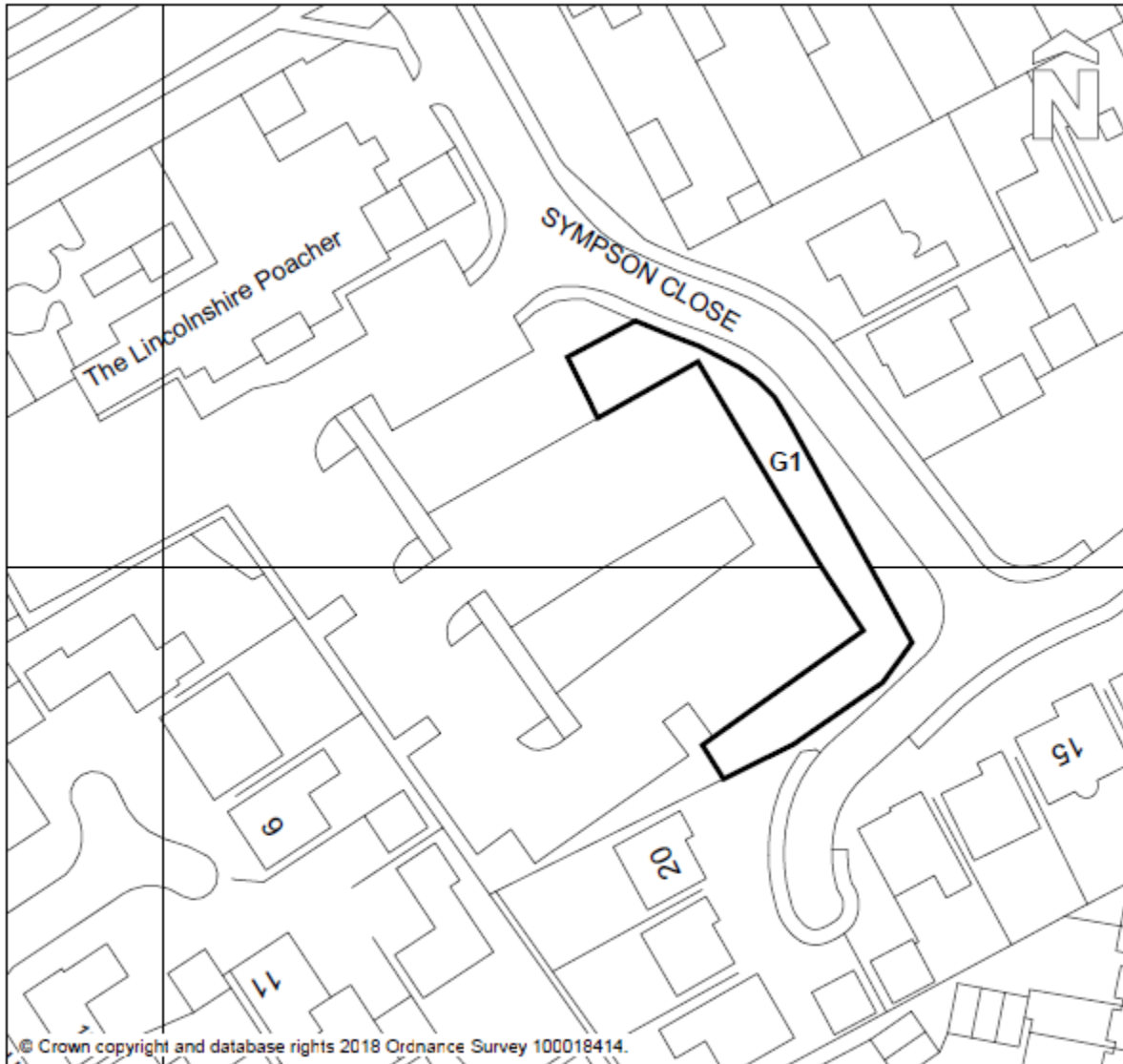
**How many appendices does the report contain?** None

**List of Background Papers:** None

**Lead Officer:** Kieron Manning, Planning Manager  
Telephone (01522) 873551

**Tree Preservation Order 156, a group comprising mixed species including Hornbeam, Field Maple, Ash and Whitebeam located adjacent to the car park, The Lincolnshire Poacher, Bunkers Hill, Lincoln.**

Map showing location of trees



TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

**Sympson Close No.1 Tree Preservation Order 2018**

G1 – 47 Mixed species

 CITY OF <b>Lincoln</b> COUNCIL	
City Hall, Beaumont Fee, Lincoln, LN1 1DD	
Telephone: (01522) 881188	
Website: <a href="http://www.lincoln.gov.uk">www.lincoln.gov.uk</a>	
Scale:	1:750 at A4
Date:	23-Apr-2018

Representations received:

Helen Turney  
Development Team Leader  
Department of Communities and Environment  
City of Lincoln Council  
City Hall  
Beaumont Fee  
Lincoln, LN1 1DD

BG Sutton  
20 Sympson Close  
Lincoln  
LN2 4UY

03/04/2018

E-mail: [REDACTED]

Dear Sir

**Sympson Close No. 1 TPO 2018**

Thank you for your recent letter with regard the TPO on Sympson Close which will be of great benefit to the residents of the area.

I would however like you to amend the order with regard two of the trees that I have marked on the enclosed map due to the reasons given below.

**Tree number 1** is just 2.6m away from the corner of my property and since I have moved in I have had to trim the branches away from my property virtually every year to prevent damage to the structure.

**Tree number 2** is just 3.9m away from the corner of my property and of a lesser concern as number 1 as I have only had to trim the branches a few times since moving in. Though saying that if I had not attended to these branches as and when necessary they would now be a huge inconvenience after only a few years.

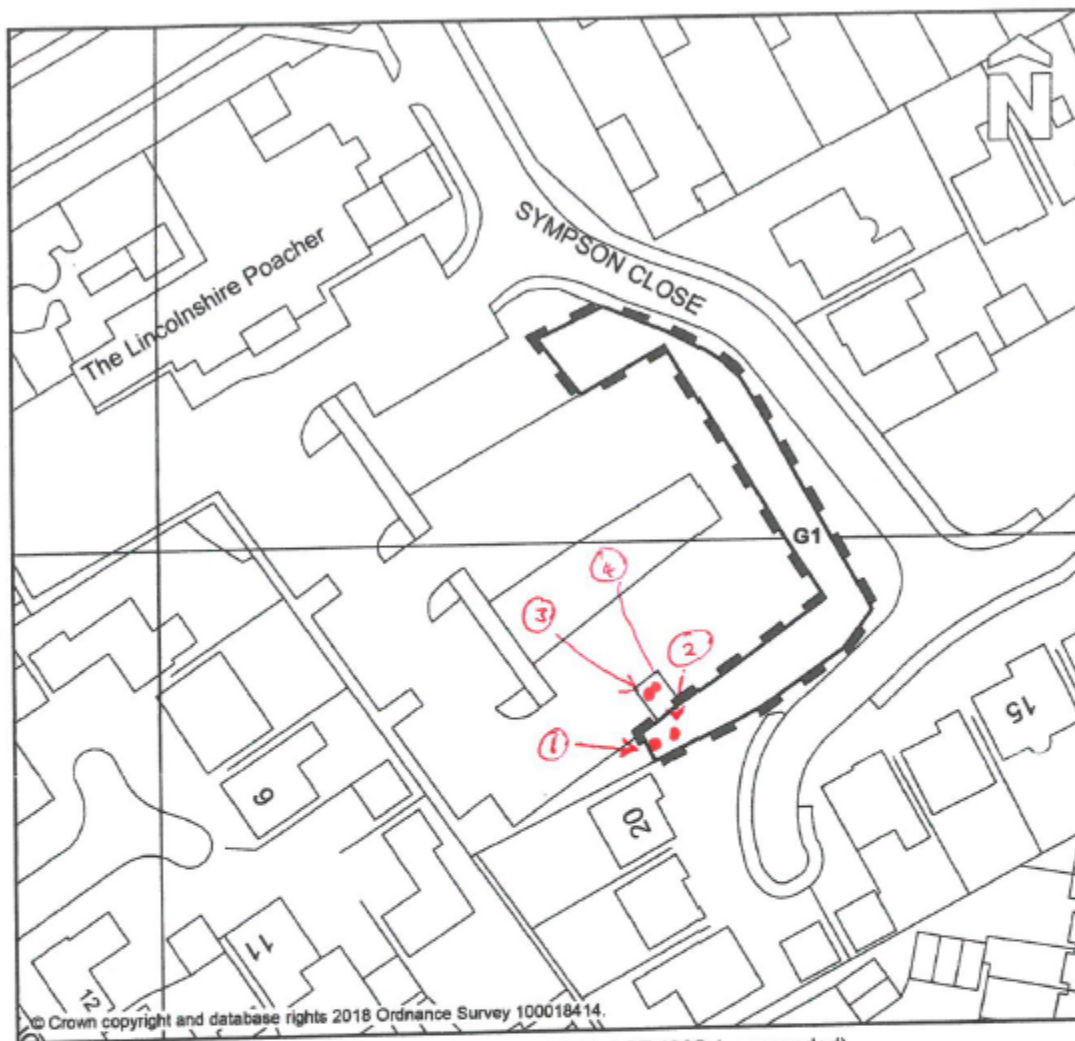
This particular tree being in the ground of land belonging to the Lincoln Poacher would still be protected without a TPO as there are two further trees (3 & 4) to the NW of this tree. So to me it would make more sense to include trees 3 & 4 into the TPO which are of the same size and age as all the others. Would it be possible to do this?

I enclose a copy of the plan showing the trees locations as discussed.

I am also happy to discuss the above by telephone or on site.

Yours sincerely

Brian Sutton  
[REDACTED]



TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

### Sympson Close No.1 Tree Preservation Order 2018

G1 - 49 Mixed Species

 <b>CITY OF Lincoln COUNCIL</b>	
City Hall, Beaumont Fee, Lincoln, LN1 1DD	
Telephone: (01522) 881188	
Website: <a href="http://www.lincoln.gov.uk">www.lincoln.gov.uk</a>	
Scale:	1:750 at A4
Date:	21-Mar-2018

Helen Turney  
Development Team Leader  
Department of Communities and Environment  
City of Lincoln Council  
City Hall  
Beaumont Fee  
Lincoln  
LN1 1DD

A S Hayes  
J A Philbin  
2 Sympson Close  
Lincoln  
LN2 4UY

Date 02<sup>nd</sup> April 2018

**Ref: The City of Lincoln Council Sympson Close No.1 TPO 2018**

Dear Helen,

Please accept this letter in support of the order to protect the trees and woodland adjacent to our property in 2 Sympson Close.

The building of a 27 bedroom lodge will have a significant impact on our property and visual amenity.

This order will protect the existing boundary trees and the long term visual amenity of the properties in Sympson Close.

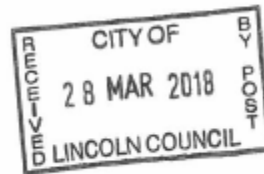
We therefore endorse the tree preservation order without reservation.

Regards

A S Hayes & J A Philbin

1 Sympson Close  
Lincoln  
LN24UY

Helen Turney  
Development Team Leader  
Department of Communities and Environment  
City of Lincoln Council  
City Hall  
Beaumont Fee  
Lincoln  
LN11DD



26 March 2018

Dear Helen Turney'

Ref : Notice of Making a Tree Preservation Order on trees adjacent to the car park c the Lincolnshire Poacher, Buckers Hill, Lincoln, LN24QT.

I strongly endorse this order. Marstons Ales who own the site have shown no regard for the arboreal environment of the car park and previous to the latest felling of 28 mature trees they felled two substantial size trees, one of which had a preservation order, without consultation, I understand, of the appropriate authority.

The trees subject to this order contribute a visual amenity to the area and provide a barrier, and at least some visual protection, between the residential properties of the residents of Sympson Close and the substantial sized Travel Lodge that is to be built opposite to them on the Lincolnshire Poacher car park.

To this day, Marstons Ales have shown not the slightest interest in the concerns of their neighbours on Bunkers Hill and Sympson Close with regard to tree felling, siting of the proposed travel lodge, the environment, traffic or noise pollution. There has been no dialogue whatsoever and they seem to be a power unto themselves.

I hope and pray that the council convert the Provisional Tree Preservation Order into a Permanent One.

Yours truly,

A large, solid black rectangular redaction mark covering the signature area of the letter.

Edward Waddon



Paul Campbell-Morgan

16 Symson Close

Lincoln

LN2 4UY

Ref: The City of Lincoln Council Sympson Close No. 1 TPO 2018

13 April 2018

To Whom it may concern

I welcome the tree preservation order (TPO) adjacent to the Car park, The Lincolnshire Poacher, Bunkers Hill, Lincoln, Lincolnshire, LN2 4QT to be known as The City of Lincoln Council Sympson Close No. 1 TPO 2018 and outlined in the associated plan labelled G1. I strongly believe it should be made permanent.

The trees identified have long provided a clearly delineated visually pleasing boundary between the residential area that is Sympson Close and the commercial activities carried out on behalf of Marstons at The Lincolnshire Poacher site. The trees give some degree of privacy, when in leaf are visually striking and help to define the character of the residential neighbourhood. It is particularly important that these trees are preserved given that a new lodge site hotel is proposed to be developed on the site in close proximity to them. The trees serve an important amenity value and this is recognised in the recently given planning permission given for that development (Appeal Ref: APP/M2515/W/17/3181055, available under the planning portal of Lincoln City Council):

I saw that the trees with the greatest amenity value are those on the boundary of the site which add to the character of the streetscape and would also soften views of the proposed development. It is proposed to retain the trees on the boundary and this can be ensured with an appropriate condition. The trees that would be removed are within the body of the car park and, although they add to the overall tree canopy, I saw that they are not as prominent or of such high value to the appearance of the area as the trees on the site boundary. (Paragraph 22)

Indeed the importance of these trees and the boundary is emphasised in the planning permission, both in the reasoning given and in the conditions applied. In his report the planning inspector gives the reasons for the conditions he is imposing:

"In the interests of character and appearance, conditions are imposed requiring approval prior to the commencement of development of external materials and a landscaping scheme including protection of retained trees." (Paragraph 29).

This is then specified in condition 13:

"No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include

indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. No tree on the site shall be lopped, topped, felled or uprooted without the prior written consent of the local planning authority. "

I do not know of Marstons or their representatives objecting to this.

Work, subsequent to that planning permission being granted, has been carried out on the trees including pruning and being cut down.

Yours faithfully

Paul Campbell-Morgan







