

SUBJECT: CONFIRMATION OF TREE PRESERVATION ORDER NO.163

DIRECTORATE: COMMUNITIES AND ENVIRONMENT

REPORT AUTHOR: KIERON MANNING, ASSISTANT DIRECTOR - PLANNING

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 tree 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 Orders 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.

3. Background

- 3.1 Tree Preservation Order 163 was made on 10th May 2021 protecting 1no. Horse Chestnut (*Aesculus hippocastanum*) tree on the southern boundary of 51 Meadowlake Crescent, Lincoln, LN6 0HZ adjacent to 53 Meadowlake Crescent, Lincoln, LN6 0HZ.
- 3.2 The tree is considered to contribute to the visual amenity of the area and the unauthorised removal of the tree 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 10th November 2021.

4. Consideration

The reason for making a Tree Preservation Order on this site is as a result of a request received from Ewan Murray, Arboricultural Officer. He was made aware of an intention to remove this tree and carried out a site visit to assess the tree for a Tree Preservation Order on this basis. The tree was identified to be suitable for

protection under a Tree Preservation Order as the tree has a high amenity value and the removal would have a significant effect on the aesthetic appearance of the area.

Following an extended 51-day period of consultation there has been an objection received to the order from the occupants of 53 Meadowlake Crescent, citing concerns over the size of the tree and particularly the proximity to their conservatory roof. The occupants have stated that leaves that fall from the tree regularly block the guttering which results in damp on the internal conservatory walls, they also fall to the adjacent path, making it slippery and a potential hazard. Additionally, they state that conkers regularly fall onto both the conservatory roof and the adjacent path, causing concern of potential damage to both property and person.

A copy of the objection received is included with this report, however it has been redacted in line with GDPR to remove reference to both personal and special category data.

An objection has also been received from the occupants of 51 Meadowlake Crescent, where the tree is located. They have raised concerns that the tree is extremely large and close to the bungalow. There are concerns over some low hanging branches and potential for damage should they fall.

These objections have been reviewed by the Arboricultural Officer and it is felt that the concerns raised can be dealt with by remedial works to the tree; and that most of points raised are part of the natural lifecycle of a tree. The large size of the tree and the amenity value that it adds to the local area are the primary incentives to placing this Tree Preservation Order which will ensure both the trees retention and correct management in the future.

5. Strategic Priorities

- 5.1 Confirmation of Tree Preservation Order 163 would ensure that the trees would not be removed or worked on without the express permission of the Council which would be considered detrimental to visual amenity and as such the protection of the trees would contribute to enhancing our remarkable place.

6. Organisational Impacts

- 6.1 Legal Implications – Anyone who wishes to carry out works to the trees will require consent from the City of Lincoln Council first.

7. Recommendation

- 7.1 It is recommended that Members confirm the Tree Preservation Order without modifications, 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, Assistant Director - Planning
Telephone (01522) 873551

Mrs V Wilson
53 Meadow Lake Crescent
LN6 0TZ

Dear Sir / Madam.

In regards of your letter dated 13/5/21 The Preservation Order.

The Horse Chestnut on the next door's property has been causing my partner and I so much distress, when we moved here seven years ago the tree was somewhat manageable but it has grown so much that it is not far away from the conservatory roof. The millions of leaves that fall down block the guttering and the rain water cannot escape now damp is occurring for about an 1/2 all around the inside of the conservatory. The conkers give us nightmares. We have had them fall down on us when we go to our bins, with 1 minute is dangerous.

The conkers from the Horse Chestnut rain down on the conservatory roof like missiles they really really make us jump. Visitors have said the same. They just smash down. It's like living on a rifle range. The leaves land on the pathway leading to the bins and get really slippery. If either of us falls due to the leaves we will end up in hospital. The tree is really huge.

We know trees are beautiful but this one is in a bad position. This tree grows approx. one foot a year, so it is now seven foot higher and wider than it was when we bought the property. Perhaps you could send a surveyor down to look at the tree and also see the damp in the conservatory.

We have to have people out quite regularly to clean the guttering and unblock the drains. At the back of the conservatory is a gully where it is connected to the main building lots of leaves collect in it so when it rains the water cannot pass through and gets blocked up and is very difficult to access without climbing up onto the roof. Yours sincerely V Wilson (Mrs)

I want to appeal against the tree preservation order in tree in 51 meadowlake crescent due to the size of the tree being enormous, After being trimmed back a few years ago it has now overgrown to having my neighbours at 53 meadowlake constantly complaining about the damage the conkers are doing to their conservatory and potentially the harm themselves if it was to fall off. The sheer size of the tree is now worrying me as it is very close and low to my bungalow, as I now have children I am becoming more anxious of the low branches etc.

I do also believe they may be another reason out of spite why someone has wanted to put this tpo on my tree for what reason I don't know but I have done my research and said tree is the only one that is in for appeal for a tpo which isn't in woodlands or park areas, which baffles me due to me having an even larger horse chestnut tree chopped down which was next to the one which is mentioned and no obligations.

Many thanks

T bday