

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

TREE PRESERVATION ORDER - 2 LOW STREET, WINTERTON

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To decide whether to confirm, reject or amend a Tree Preservation order (TPO) placed on trees at 2 Low Street, Winterton (see appendix).

2. BACKGROUND INFORMATION

- 2.1 The council has received an application for the removal of two trees in the Winterton Conservation Area.
- 2.2 The owner asked for the trees to be removed so that they get more light to their house and garden. The application did not mention that the trees were in a poor condition or that the trees were causing damage to a boundary wall.
- 2.3 Winterton Town Council when consulted asked for the trees to be protected by way of a Tree Preservation Order (TPO). Comments from residents were balanced with equal numbers for and against retaining the trees.
- 2.4 Taking account of the information within the application, the condition of the trees and the importance of the trees within the conservation area, a decision was made on the 6 January 2017 to protect the trees via a TPO.

3. OPTIONS FOR CONSIDERATION

- 3.1 There are three options available for consideration as follows:
- 3.1.1 Confirm the TPO with no changes and protect both trees.
- 3.1.2 Amend the order.
- 3.1.3 Reject the TPO, thereby allowing the removal of both trees.

4. ANALYSIS OF OPTIONS

- 4.1 A detailed tree survey has shown that the trees are in good condition.
- 4.2 After the TPO was made, the owner raised concerns that the trees were causing damage to his boundary wall along West Street. Building Control officers have assessed this claim and have concluded that the tree closest to the house, T2 in the order, is having an effect on the wall. They recommend that it is removed prior to the progress of any repairs to the boundary wall in question.
- 4.3 In light of the above, the recommendation is to agree to a variation of the TPO to remove T2, thereby providing for its removal.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 There are no resource implications to consider in connection with this matter.

6. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 Not applicable.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTEREST DECLARED

7.1 When the application was initially made to remove the trees, Winterton Town Council stated they wished the trees to be protected by a TPO. Public consultation at that time with local residents was equally split between those supporting the removal of the trees and those who supported retention.

8. RECOMMENDATIONS

8.1 That the Planning Committee approves the modification of the Tree Preservation Order made on 6 January 2017 to remove tree T2, but to maintain the continuing protection of T1.

DIRECTOR OF OPERATIONS

The Civic Centre
Ashby Road
SCUNTHORPE
DN16 1AB
Author: Andrea Brocklebank
Date: May 2017

Background papers used in the preparation of this report: None

TOWN AND COUNTRY PLANNING ACT 1990

NORTH LINCOLNSHIRE BOROUGH COUNCIL
TREE PRESERVATION (2 LOW STREET,
WINTERTON) ORDER 2017

THE NORTH LINCOLNSHIRE BOROUGH COUNCIL in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order:

- 1 This Order may be cited as The North Lincolnshire Borough Council Tree Preservation (2 Low Street, Winterton) Order 2017.
- 2 In this Order "the authority" means the North Lincolnshire Borough Council.

In this Order, any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

- 3 Subject to article 4, this Order takes effect provisionally on the date on which it is made.

Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and, subject to the exceptions in regulation 14, no person shall:

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the consent of the authority in accordance with regulations 16 and 17 or of the Secretary of State in accordance with regulation 23 and, where such consent is given subject to conditions, in accordance with those conditions.

- 4 In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

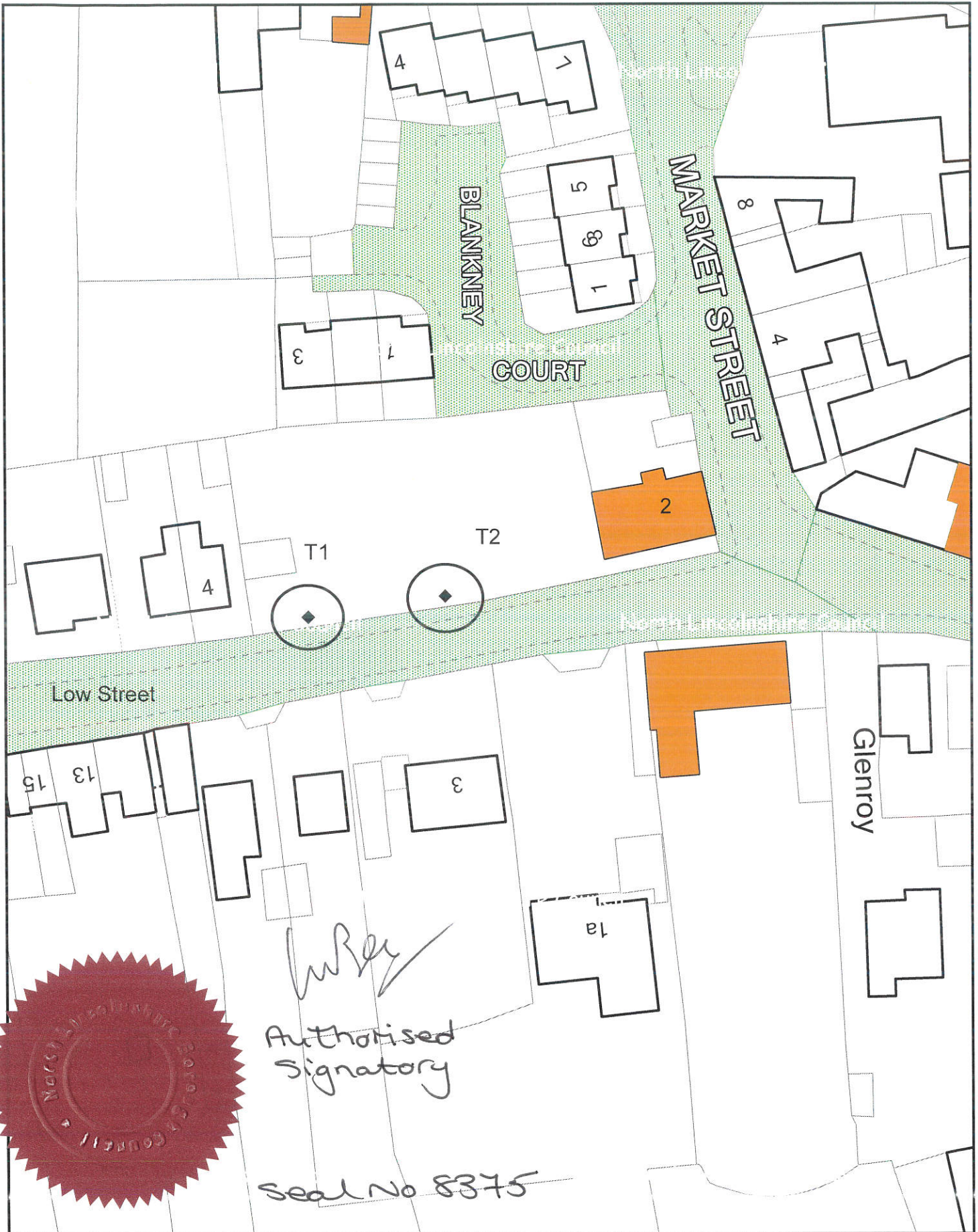
IN WITNESS whereof this Authority has caused its Common Seal to be affixed this (6th)

Sixth

day of

January

2017.



Title: TPO map - 2 Low Street, Winterton

Drawing No:

Version: 1

Drawn by: Andrea Brocklebank

Date: 05/01/2017

Scale @A4 1:660



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Ordnance Survey 0100023560



Director of Places
Peter Williams
BSc, DMS, CEng, MEI, MCMI, AMIMechE

The **COMMON SEAL** of **NORTH LINCOLNSHIRE BOROUGH COUNCIL** was hereunto affixed in the presence of:



Authorised Signatory

Seal Number 8375

**SCHEDULE 1
SPECIFICATION OF TREES**

Reference on map	Description	Situation
T1	Sycamore	On the southern boundary of 2 Low Street, Winterton
T2	Sycamore	On the southern boundary of 2 Low Street, Winterton

Trees specified individually
(Encircled in black on the map)

NONE

Trees specified by reference to an area
(Within a dotted black line on the map)

Groups of trees
(Within a broken black line on the map)

NONE

Woodlands
(Within a continuous black line on the map)