

Lincolnshire County Council
Lancaster House
36 Orchard Street
Lincoln
LN1 1XX

Council Offices
Priory Road
Spalding
Lincolnshire
PE11 2XE
Admin 01775 764723
DC Officers 01775 764703
facsimile 01775 762937
planningadvice@sholland.gov.uk
www.sholland.gov.uk

TOWN AND COUNTRY PLANNING ACT 1990

WORKS TO A PRESERVED TREE

Reference: H16-1064-18 **Date of Decision:** 13th December 2018
Applicant: Lincolnshire County Council
Lancaster House
36 Orchard Street
Lincoln
LN1 1XX

Location: Highway Verge: 61 West Elloe Avenue Spalding
Description: Works to Spalding TPO/016/13/1983

Detailed Description:

Application with regard to a lime tree forming part of tree lined West Elloe Avenue. The tree is located on the eastern side of the junction with Ladywood Road, and is identified as T16 of Spalding Tree Preservation Order No.13 1983.

The lime is identified by the applicant as T1 and a beech as T2.

'The tree concerned is a lime, 15m tall, 75cm stem diameter, moderate condition, upper crown dieback. The tree is in the sightlines of the junction with Ladywood Road and is causing the footway to be too narrow (80cm) and steeply sloping for mobility scooters. There is another tree (T2) beech 14m tall, 50cm diameter, good condition only 4m from T1 and 6 x more mature trees within 15m. Given the many nearby trees it should be possible to address the highway and footway issues by removing T1 without significant loss of amenity, this is the proposal.'

South Holland District Council hereby give notice that this application has been REFUSED for the above proposal for the following reason(s):

- 1 a. Every effort should be made to retain the lime avenue along West Elloe Avenue, as a

feature which has great public amenity value.

b. If due care, patience and attention is given when exiting the junction at Ladywood Road, the lime tree concerned does not prevent safe exit.

c. If epicormic growth from the trunk of the tree is a Highways Safety problem in the summer months, the epicormic growth may be cut back without the need for a Tree Works Application being made, as long as methods adhere to those promoted in British Standard 3998 2010.

d. There are alternative solutions with regard to remedying the narrow footway other than the removal of the tree. Such alternatives should use methods which minimise any potential for root damage to the preserved tree, the advice of a qualified arboricultural consultant is recommended.

Notes:

COMPENSATION

If you suffer any loss or damage as a result of this refusal of consent, you may be entitled to recover from the Council compensation. If you wish to make a claim you must do within 12 months from the date of his decision (or, if you appeal to the Secretary of State, within 12 months from the date of his decision). Claims should be made in writing to Planning and Building Control, South Holland District Council, Council Offices, Priory Road, Spalding, Lincs., PE11 2XE.



Phil Norman
Planning and Building Control Manager
South Holland District Council

RIGHTS OF APPEAL:

Where an application is made to the Authority for consent and that consent is refused or is granted subject to conditions the applicant, if aggrieved by the decision, may appeal to the Planning Inspectorate (PiNS). Appeals must be received by the PiNS within 28 days of the Council's decision. The appeal should be made on the relevant TPO (consents) appeal form which can be obtained from PiNS. The form can be found on the Planning Portal website at:

www.planningportal.gov.uk/planning/appeals/otherappealcasework/treepreservation

Alternatively a form can be obtained by writing to The Environment Team, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Bristol, BS1 6PN or telephone on 0117 3728192

If you visit the Planning Portal web site you will be able to complete the appeal form and return it to PiNS electronically via the email address:

environment.appeals@pins.gsi.gov.uk