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Date: 16th October 2017

Appeals Committee (TPO)

Trees subject of the Appeals Committee – Two mature pine trees established within the curtilage of The Coach House, Sunnyside Lane, Lancaster, LA1 5ED, subject of **Tree Preservation Order no. 607 (2017)**.

This report has been produced by Maxine Knagg (BSc Hons Arboriculture), Tree Protection Officer, Lancaster City Council.

1.0 Purpose of Report

1.1 This report relates to two mature pine trees established within the curtilage of the above property. The Appeals Committee are to consider whether the TPO should be confirmed without modification, confirmed with modifications or not confirmed. A copy of Tree Preservation Order no.607 (2017) is available at **Appendix 1**.

2.0 Background

2.1 The site is a private residential property, established within a popular area to the south-west of the city centre.

2.2 The property lies within the local conservation area known as Cannon Hill. Cannon Hill Conservation Area was included within the Council's appraisal of a number of its conservation areas and was adopted as such in June 2014. Below is an extract from the adopted appraisal of Cannon Hill (p.6).

The landscape value of the area is high with mature trees and shrubs important to the area and giving it a wooded character. Some designed historic gardens provide the setting for larger houses. Stone boundary walls define the street scene and provide privacy to the houses. There is a mixture of public and semi-private roads and lanes that make this a distinctive area, giving the impression of a private enclave. Some

later development has taken place but on the whole this has not eroded the special character of the area, and has retained the leafy spacious character of plots.

- 2.3 The two trees in question are considered to make a significant contribution to the character and appearance of the conservation area within the immediate and wider locality. It should be noted that trees are established several hundred metres to the north of Fairfield Millennium Orchard. There are a range of orchard trees and much larger landscape trees within the vicinity, along public footpaths and within a range of private residential properties.
- 2.4 Both T1 and T2 can be clearly seen from a range of locations within the wider public domain and conservation area. They have both attained significant proportions and have become important and dominant landscape features. Photographs of both trees, including an aerial photograph can be seen at **Appendices 2a, 2b and 2c** respectively.
- 2.5 Both trees appear to be in a good state of health and vitality, and free from significant pest and disease when observed from ground level. Both trees have long periods of useful remaining life potential, if under good arboriculture control and ongoing management.
- 2.6 Lancaster City Council received a Section 211 notification to fell both trees, referenced as application no. 17/0050/TCA (**Appendix 3**).
- 2.7 The reasons cited by the owners to fell both trees include the trees being considered to have grown too big for their location. Branches overhang the public footpath, public highway, alleyway and a neighbouring property. The applicant included two photographs with the notification showing two branches that had been shed from one or both of the trees in question. The owner would like to fell both trees in the interest of health & safety and their nuisance to the owners of the neighbouring property. The applicant included a copy of a letter from their neighbour who also expressed a view in support of the removal of both trees.
- 2.8 Both trees offer opportunities for wildlife in terms of habitat and foraging which may include protected species, such as nesting birds and bats, both groups are protected under the Wildlife & Countryside Act (as amended 2010) 1981.

3.0 Assessment

- 3.1 A copy of my initial report, dated 16th May 2017 is available at **Appendix 4**.
- 3.2 A copy of the Tree Evaluation Method for Preservation Orders (TEMPO) is available at **Appendix 5**. A cumulative score of 17 was achieved, indicating that at the time of the initial assessment the trees in question “Definitely Merit” protection within a TPO.
- 3.3 Lancaster City Council uses a Tree Evaluation Method for Preservation Orders (TEMPO) to demonstrate a structured and consistent approach to the assessment of trees and woodlands in relation to their suitability for inclusion within a TPO. This system when used by an individual suitably trained and experienced in the assessment of trees can be a useful tool to demonstrate key elements of the decision making process, resulting in a final total score and outcome indicator. The system in itself is not a decision making process.

- 3.4 In addition to their amenity value, trees within the property are an important resource for wildlife providing essential habitat and foraging opportunities with the potential to support protected species, such as nesting birds and bats, both of which are protected under the Wildlife & Countryside Act 1981.
- 3.5 T1 and T2 are both large mature pine trees established within close proximity to residential properties and the public highway. Anyone who owns trees has a responsibility for their ongoing management.
- 3.6 Lancaster City Council advises anyone who has responsibility for trees to have them regularly inspected by a competent person. That is someone who is suitably trained and experienced to undertake such work and make recommendations for ongoing management of trees, in compliance to current standards of best practice, set out within BS 3998 (2010).
- 3.7 Consent from the local authority must be obtained in writing prior to undertaking any recommended works to any such trees. There is no charge for the submission of a tree works application to the Council.
- 3.8 Whilst the risk of tree failure cannot be eliminated through regular inspections and ongoing appropriate maintenance work the risk to persons and property can be managed at an acceptable level. It is unclear whether the owners have had the two trees in question regularly inspected by a competent person and undertaken regular maintenance works as required, in compliance to BS 3998 (2010) Tree Work - Recommendations.
- 3.9 The owners of the trees subject of TPO no. 607 (2017) have not provided an arboriculture report on the condition of the two trees in question with either the submission of the original Section 211 Notification or subsequently in support of their objection to TPO no.607 (2017).

4.0 Tree Preservation Order no.607 (2017)

- 4.1 Tree Preservation Order no. 607(2017) was made on 17th May 2017, in the interest of public amenity value and wildlife benefit, following receipt of a Section 211 Notification to fell both trees.
- 4.2 A TEMPO score of 17 was attained supporting protection of the trees with a preservation order.

5.0 Objections to TPO no.607 (2017)

- 5.1 Lancaster City Council has received one letter of objection to Tree Preservation Order no.607 (2017).
- 5.2 A letter of objection was received from the tree owners, Mr & Mrs Ashbridge, dated 6th June 2017. A copy of the letter can be seen in full, at **Appendix 6**. A copy of Lancaster City Council's letter of response, dated 4th September 2017, is available at **Appendix 7**.

- 5.3 Principal points for objections received relate to the owners' concerns of the size of the trees and their health and safety and threat to persons or property. They would like both trees to be felled because one or both of the trees had unexpectedly shed two large branches earlier in the year.
- 5.4 Mr & Mrs Ashridge has indicated that if the trees were felled they would undertake new replacement tree planting and have suggested a silver birch.
- 5.5 Following the response from the Council dated 4th September 2017 (**Appendix 7**), the objectors Mr & Mrs Ashbridge, have confirmed they wish to maintain their objection to TPO no.607 (2017), in their letter dated 12th September 2017 (**Appendix 8**).

6.0 Decision to Serve TPO no.607 (2017)

- 6.1 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of trees identified as **T1** and **T2**, x2 Pine trees, under sections 198, 201 and 203 of the Town & Country Planning Act 1990. It is recommended that the TPO is confirmed with modifications, to detail the designation of trees as individual trees and groups as appropriate.

Lancaster City Council cite the following reasons.

- important visual amenity shared from the public domain;
- significant contribution to the character and appearance of the site and Cannon Hill Conservation Area;
- potential to provide important habitat and resources for a range of protected and unprotected wildlife communities;
- under threat from removal.

The trees in question have sufficient amenity value and importance within the landscape and are under threat from removal to justify their protection with TPO no. 607 (2017).

- 6.2 As such, Lancaster City Council recommends that TPO no. 607 (2017) be confirmed without modification to protect two mature pine trees.

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On behalf of Lancaster City Council