



Committee: APPEALS COMMITTEE
Date: THURSDAY, 26 OCTOBER 2017
Venue: LANCASTER TOWN HALL
Time: 1.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Appointment of Vice-Chairman**

To appoint a Vice-Chairman for the 2017/18 municipal year.

3. **Minutes**

Minutes of the meeting held on 24 April 2017 (previously circulated)

4. **Items of Urgent Business authorised by the Chairman**

5. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests, which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 9 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests, which they have already declared in the Register, at this point in the meeting.

In accordance with Part B, Section 2 of the Code of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Matters for Decision

6. **Tree Preservation Order No. 607 (2017) - The Coach House, Sunnyside Lane, Lancaster (Pages 1 - 31)**

Report of the Chief Officer (Legal and Governance)

7. **Tree Preservation Order No. 615 (2017) - 1-5 Ashton Barns, Ashton Road, Ashton-with-Stodday** (Pages 32 - 57)

Report of the Chief Officer (Legal and Governance)

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Claire Cozler (Chairman), Jon Barry, Janice Hanson, Helen Helme, Joan Jackson, Terrie Metcalfe and Roger Sherlock

(ii) Substitute Membership

Councillors Tracy Brown, Susie Charles, Brett Cooper, Tim Hamilton-Cox and John Reynolds

(iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068 or email jglenton@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Democratic Support - telephone (01524) 582170 or email democraticsupport@lancaster.gov.uk.

SUSAN PARSONAGE,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER LA1 1PJ

Published on Wednesday, 18 October 2017.

APPEALS COMMITTEE

Tree Preservation Order No. 607 (2017) The Coach House, Sunnyside Lane, Lancaster 26 November 2017

Report of Chief Officer (Legal and Governance)

PURPOSE OF REPORT

To enable Members to consider the objection received to Tree Preservation Order No. 607 (2017) located at The Coach House, Sunnyside Lane, Lancaster, and thereafter whether or not to confirm the Order.

This matter will be dealt with in accordance with the adopted procedure for considering matters relating to individual applications, that is, the relevant matters for consideration by the Committee will be presented in the public part of the meeting, and the decision will be made after the exclusion of the press and public, on the basis that, in making its decision, the Committee will receive exempt information in the form of legal advice on possible legal proceedings arising from the decision (Paragraph 5A of Schedule 12A of the Local Government Act 1972) as amended by the Local Government (Access to Information) (Variation) Order 2006.

RECOMMENDATIONS

That Members consider the objection to Tree Preservation Order No. 607 (2017) located at The Coach House, Sunnyside Lane, Lancaster, and decide whether or not to confirm the Order.

1.0 Introduction

- 1.1 Under Section 198 of the Town and Country Planning Act 1990, the Local Planning Authority may make an Order in respect of a tree or group of trees if it appears that it is expedient in the interests of amenity to make provision for the protection of trees in their area.
- 1.2 In accordance with the Town and Country Planning (Tree Preservation Order) Regulations 2012, an objection has been received to Tree Preservation Order No. 607 (2017), which has been made in relation to individual trees located at The Coach House, Sunnyside Lane, Lancaster.
- 1.3 In accordance with the Regulations, it is necessary to consider the objection, and in order for the objection to be considered objectively, the matter is referred to the Appeals Committee.
- 1.4 The report of the City Council's Tree Protection Officer is attached (pages 3 to 6).

Appended to the report are:

- Appendix 1 - Copy of the original Tree Preservation Order No. 607 (2017) (pages 7 to 10);
- Appendices 2a, 2b and 2c – Photographs of both trees, including an aerial photograph (pages 11 to 13);
- Appendix 3 – Notification to fell both trees (pages 14 to 22);
- Appendix 4 – Tree Protection Officer’s initial report (pages 23 to 25);
- Appendix 5 – Tree Evaluation Method for Preservation Orders (TEMPO) (page 26)
- Appendix 6 – Letter of objection received from the tree owners, Mr. & Mrs. Ashbridge (page 27);
- Appendix 7 – Lancaster City Council’s letter of response (pages 28 to 30);
- Appendix 8 – Letter from Mr. & Mrs. Ashbridge, confirming their wish to maintain their objection to TPO No. 607 (2017) (page 31).

2.0 Proposal Details

2.1 The purpose of the report is to provide Members with details to enable them to decide whether or not to confirm Tree Preservation Order No. 607 (2017).

3.0 Details of Consultation

3.1 Tree Preservation Order No. 607 (2017) was made and advertised in the usual way and an objection was received.

4.0 Options

- (1) To confirm Tree Preservation Order No. 607 (2017) -
 - (a) without modification;
 - (b) subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 607 (2017).

5.0 Conclusion

5.1 In the light of information contained within the report and its appendices, together with legal advice given at Committee and a site visit, Members are requested to determine whether or not to confirm Tree Preservation Order No. 607 (2017).

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) Not applicable.	
LEGAL IMPLICATIONS A Legal Officer will be present at the meeting to advise the Committee	
FINANCIAL IMPLICATIONS Not applicable.	
BACKGROUND PAPERS Tree Preservation Order No. 607 (2017)	Contact Officer: Jane Glenton Telephone: (01524) 582068 Email: jglenton@lancaster.gov.uk Ref: JEG

Contact: Maxine Knagg
Telephone: 01524 582381
FAX: 01524 582323
Email: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: TPO607/2017/MK

Regeneration & Policy Service
Development Management
PO Box 4
Town Hall
Lancaster
LA1 1QR

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.

Maxine Knagg BSc (Hons) Arboriculture

Tree Protection Officer, Regeneration & Planning Service
On behalf of Lancaster City Council

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 607(2017)

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RELATING TO:
Tree Preservation Order No. 607(2017) The Coach House, Sunnyside Lane, Lancaster

PO BOX 4
TOWN HALL
LANCASTER
LA1 1QR

TOWN AND COUNTRY PLANNING ACT 1990

**LANCASTER CITY COUNCIL
TREE PRESERVATION ORDER NO. 607(2017)**

The City Council of Lancaster, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 hereby make the following Order:

Citation

1. This Order may be cited as Tree Preservation Order No. 607(2017), "Tree Preservation Order No. 607(2017) The Coach House, Sunnyside Lane, Lancaster", 17th May 2017.

Interpretation

2. (1) In this Order "the authority" means the Lancaster City Council.

(2) 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 2011.

Effect

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

(2) 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, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written 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.

Application to trees to be planted pursuant to a condition

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.

Dated this 17th day of May 2017

Signed on behalf of the Lancaster City Council:



**Andrew Dobson DipEP MRTPI PDDMS
CHIEF OFFICER (REGENERATION AND PLANNING)**
Authorised by the Council to sign in that behalf

SCHEDULE

Specification of Trees

TREE PRESERVATION ORDER NO. 607(2017)

Tree Preservation Order No. 607(2017) The Coach House, Sunnyside Lane, Lancaster

TREES SPECIFIED INDIVIDUALLY

(Encircled in a solid black line on map)

Reference on Map	Description	Situation		
T1	Pine	Centred grid ref:	on (E) 347009	(N) 461464
T2	Pine	Centred grid ref:	on (E) 347007	(N) 461461

TREES SPECIFIED BY REFERENCE TO AN AREA

(Shown within a dotted black line on map)

GROUP OF TREES

(Shown within a broken black line on map)

WOODLAND

(Shown within a solid black line on map)

TPO No. 607(2017)

The Coach House, Sunnyside Lane, Lancaster



GIS by ESRI (UK)



Legend



Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	17 May 2017
SLA Number	Not Set



T1+T2 TPO 607(2017)

The Coach House

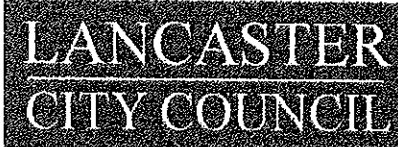
Sunnyside Lane

Lancaster





Appendix 3

 <p>LANCASTER CITY COUNCIL <i>Promoting City, Coast & Countryside</i></p>	Planning Services - Development Control Team PO Box 4 Town Hall Dallon Square Lancaster LA1 1QR Tel: 01524 582381 Fax: 01524 582323 Email: developmentcontrol@lancaster.gov.uk	Application Number: _____ Date Received: _____ Fee: £ _____ Receipt No: _____
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Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.

Town and Country Planning Act 1990

You can complete and submit this form electronically via the Planning Portal by visiting www.planningportal.gov.uk/apply

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Please complete using block capitals and black ink.

You must use this form if you are applying for work to trees protected by a tree preservation order (TPO). (You may also use it to give notice of works to trees in a conservation area).

It is important that you read the accompanying guidance notes before filling in the form. Without the correct information, your application / notice cannot proceed.

1. Applicant Name and Address

Title: First name:
 Last name:
 Company (optional):
 Unit: House number: House suffix:
 House name:
 Address 1:
 Address 2:
 Address 3:
 Town:
 County:
 Country:
 Postcode:

2. Agent Name and Address

Title: First name:
 Last name:
 Company (optional):
 Unit: House number: House suffix:
 House name:
 Address 1:
 Address 2:
 Address 3:
 Town:
 County:
 Country:
 Postcode:

3. Trees Location

If all trees stand at the address shown in Question 1, go to Question 4. Otherwise, please provide the full address/location of the site where the tree(s) stand (including full postcode where available)

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (if known):

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

Description:

4. Trees Ownership

Is the applicant the owner of the tree(s): Yes No
 If 'No' please provide the address of the owner (if known and if different from the trees location)

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

5. What Are You Applying For?

Are you seeking consent for works to tree(s) subject to a TPO? Yes No

Are you wishing to carry out works to tree(s) in a conservation area? Yes No

6. Tree Preservation Order Details

If you know which TPO protects the tree(s), enter its title or number below.

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below: tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

TWO BLACK PINES. WE WOULD LIKE TO FELL THESE TREES BECAUSE THEY ARE TOO BIG FOR THE SITE. THEY OVERHANG A NEIGHBOUR'S HOUSE. THEY ALSO OVERHANG THE PAVEMENT AND ROAD ON ASHFIELD AVENUE, AND THE ALLEYWAY CONNECTING SUNNYSIDE LANE AND ASHFIELD AVENUE. THESE

7. Identification Of Tree(s) And Description Of Works continued ...

AREAS ARE OF COURSE OPEN ACCESS TO THE PUBLIC. PLEASE FIND ENCLOSED TWO PHOTOS OF BRANCHES THAT HAVE DROPPED. THANKFULLY TO DATE THERE HAVE BEEN NO INJURIES, BUT WITH ONE BRANCH AT THIRTEEN FEET IN LENGTH AND ONE IN EXCESS OF TWENTY FEET, THE POTENTIAL FOR INJURY OR FATALITY IS EVIDENT. IT IS ALSO CLEARLY POSSIBLE THAT DAMAGE COULD OCCUR TO PEOPLE'S PROPERTY.

WE APPEAL TO YOU ON THE GROUNDS OF HEALTH AND SAFETY. WE ALSO APPEAL TO YOU ON THE GROUNDS OF NUISANCE TO OUR NEIGHBOURS — PLEASE SEE ACCOMPANYING LETTER.

BLACK PINES (T1 AND T2) — FELL BECAUSE OF HEALTH AND SAFETY RISK AND NUISANCE TO NEIGHBOURS. REPLANT WITH TWO DOWNY BIRCH, ALTHOUGH WE ARE OPEN TO OTHER SUGGESTIONS FOR ALTERNATIVE NATIVE SPECIES.

8. Trees - Additional Information

Additional information may be attached to electronic communications or provided separately in paper format.

For all trees

A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

For works to trees covered by a TPO

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. **Condition of the tree(s)** - e.g. it is diseased or you have fears that it might break or fall: Yes No
If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

2. **Alleged damage to property** - e.g. subsidence or damage to drains or drives. Yes No
If YES, you are required to provide for:

Subsidence

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

Other structural damage (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)

Are you providing separate information (e.g. an additional schedule of work for Question 7)? Yes No

If YES, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application. If they are being provided separately from this form, please detail how they are being submitted.

LETTER FROM NEIGHBOURS — REF. 1
PHOTOGRAPH OF BRANCH THIRTEEN FEET LONG — REF. 2
PHOTOGRAPH OF BRANCH IN EXCESS OF TWENTY FEET IN LENGTH — REF. 3 AND REF. 3b
SKETCH PLAN — REF. 4

9. Authority Employee / Member
 With respect to the Authority, I am:

(a) a member of staff (c) related to a member of staff
 (b) an elected member (d) related to an elected member

Do any of these statements apply to you?
 Yes No

If Yes, please provide details of the name, relationship and role

10. Application For Tree Works - Checklist

Only one copy of the application form and additional information (Question 8) is required. Please use the guidance and this checklist to make sure that this form has been completed correctly and that all relevant information is submitted. Please note that failure to supply precise and detailed information may result in your application being rejected or delayed. You do not need to fill out this section, but it may help you to submit a valid form.

Sketch Plan

- A sketch plan showing the location of all trees (see Question 8)

For all trees
 (see Question 7)

- Clear identification of the trees concerned
- A full and clear specification of the works to be carried out

For works to trees protected by a TPO
 (see Question 7)

Have you:

- stated reasons for the proposed works?
- provided evidence in support of the stated reasons? in particular:
 - if your reasons relate to the condition of the tree(s) - written evidence from an appropriate expert
 - if you are alleging subsidence damage - a report by an appropriate engineer or surveyor and one from an arboriculturist
 - in respect of other structural damage - written technical evidence
- included all other information listed in Question 8?

11. Declaration - Trees

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant: [REDACTED] Or signed - Agent:

Date (DD/MM/YYYY): 03/04/2017 (This date must not be before the date of sending or hand-delivery of the form)

12. Applicant Contact Details

Telephone numbers

Country code:	National number:	Extension number:
03	[REDACTED]	
Country code:	Mobile number (optional):	
	[REDACTED]	
Country code:	Fax number (optional):	
		

Email address (optional): [REDACTED]

13. Agent Contact Details

Telephone numbers

Country code:	National number:	Extension number:
	[REDACTED]	
Country code:	Mobile number (optional):	
	[REDACTED]	
Country code:	Fax number (optional):	
		

Email address (optional): [REDACTED]

Electronic communication - If you submit this form by fax or e-mail the LPA may communicate with you in the same manner. (Please see guidance notes)

REF. 1

47 Ashfield Avenue
Lancaster
LA1 5EB

14 February 2017

To Whom It may concern

We write in support of the application to remove mature pine trees in the garden of The Coach House, Sunnyside Lane, Lancaster.

We have lived in the adjoining house since 2004. When we moved in the garden was an attractive area to overlook but over the past 13 years as the trees have grown their appearance has deteriorated.

Shortly after moving in we had to ask the former owner to have branches cut back that were encroaching on our property. Every autumn the dropping of pine needles obstructs our guttering and we are constantly clearing them from paths and the rear yard.

Finally, our biggest concern is the security of the tree branches in stormy weather. There have been branches drop in the alleyway and pavement around the Coach House, fortunately none have so far affected our house.

Yours sincerely

A thick black horizontal bar redacting the signature of the sender.

Glyn Davies
Katie Alcock

REF. 2



LENGTH OF BIKE: 5 FEET 4 INCHES
LENGTH OF BRANCH: 13 FEET

REF. 3

POINT AT WHICH
BRANCH BROKE



TIP
OF
BRANCH

IMAGE OF BRANCH IS SLIGHTLY END-ON.
LENGTH OF BRANCH IN EXCESS OF 20 FEET.

TIP OF
BRANCH



APOLOGIES — COLOUR INK RUNNING
OUT.

SAME IMAGE OF BRANCH EXCEEDING
20 FEET IN LENGTH.

REF. 4

ASHFIELD AVENUE

COUNCIL-OWNED
LAND

HOUSE

T1 0

T2 0

SUNNYSIDE LANE

OUT
HOUSE

ALLEYWAY

47
ASHFIELD
AVENUE

Application: 17/0050/TCA**Site: The Coach House, Sunnyside Lane, Lancaster, LA1 5ED****Proposed Work: Fell x2 mature pine trees****Assessment:**

The site is established within the local conservation area (CA), as such all trees that have attained a stem diameter of 75mm or greater when measured at 1.5m above ground level are protected in law. Anyone intending to carry out works to trees within a CA must first make a written notification to the local authority providing a minimum period of 6 weeks' notice prior to undertaking the intended work.

Lancaster City Council has received a section 211 notification to fell two mature pine trees established within the above property. The trees have attained mature proportions and are highly visible from the public domain. The age, size and location is such that collectively they have become a dominant landscape feature.

Both trees have the potential to offer foraging and habitat opportunities for a range of wildlife, including protected species.

In England all species of bat and their breeding or resting places (roosts) are fully protected under the Conservation of Habitats and Species Regulations 2010 and Section 9 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to deliberately, intentionally or recklessly: Kill, injure or capture a bat; Obstruct access to any structure or place used for shelter or protection by bat; Disturb a bat while it is occupying a structure or place which it uses for that purpose; Disturb bats in such a way it would affect the ability of any significant group of bat to survive, breed, rear or nurture or affect a local distribution or abundance; Damage or destroy a breeding or resting place of a bat.

In England all birds, their nests and eggs are afforded protection under the Wildlife and Countryside Act 1981 (as amended) making it an offence to: Intentionally kill, injure or take any wild bird; Intentionally take, damage or destroy the nest of any wild bird while it is in use or being built; Intentionally take or destroy the egg of any wild bird. Certain birds are subject to further protection under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended), making it an offence to intentionally, or recklessly, disturb any wild bird listed on this Schedule while it is nest building, or is at, or near, a nest with eggs or young, or disturb the dependent young of such a bird.

Trees must be assessed for the presence of protected species prior to undertaking agreed. Where there is evidence that bats, birds or other protected species are present, the statutory nature conservation organisation must be consulted prior to commencement of any tree work operations.

Trees

For the purpose of this report these trees in question have been identified as T1, & T2, both pine.

Generally, both trees appear to be in a good state of health and vitality. There is evidence in the canopies of both trees of past pruning events, particularly where branches encroach towards neighbouring structures.

The current owner would like to fell both trees because they are considered to have grown too big for their location. Branches overhang the public footpath, public highway and alleyway and a neighbouring property. The applicant has included two photographs with the notification showing branches that have been shed from one or other 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 has submitted a copy of a letter from their neighbor who has expressed a view in support of the removal of both trees.

It would be the tree owners' intention to fell both trees and replace them with two downy birch trees. It is noted that the owner has not submitted any additional information or report from a suitably trained or experienced individual commenting on the structural condition of the trees in question.

Lancaster City Council considers that the loss of both trees would have significant potential to adversely impact upon the character and appearance of the wider public domain and local conservation area. Trees of this age and maturity cannot be mitigated with new replacement planting.

Trees of this age and size have considerable capacity for carbon storage; carbon that can be re-released to the environment once they are felled. There is no evidence of significant pest or disease present. There is no additional arboriculture information or report submitted to support the removal of both trees in the interests of health & safety.

Anyone that has the responsibility for the management of trees, should have them regularly inspected by an individual suitably trained and experienced any recommendations for maintenance such as the removal of dead, damaged or diseased tree structures should be undertaken, subject of course to the required authorisation/notification process. We are unaware of any such assessment undertaken on behalf of the applicant.

A Tree Evaluation Method for Tree Preservation Orders (TEMPO) has been undertaken. A score of 17 was achieved, in support of a tree preservation order (TPO).

Lancaster City Council considers the two trees in question (T1 & T2) to have sufficient public amenity value to be made subject of Tree Preservation Order no. 607 (2017). This is in the absence of any overriding arboriculture reason that would otherwise justify their removal. The Council considers both trees to make a significant contribution to the public amenity and wildlife benefit and have a positive impact on the character and appearance of the wider conservation area.

T1 & T2 will be protected with TPO no.607 (2017), on a provisional basis.

The owners may wish to seek further advice from a suitably trained and experienced individual. The Council would be happy to receive and consider any additional information the applicant may wish to submit, if they intend to formally object to the order.

Decision:

1. Lancaster City Council **objects** to the following tree work:

i) T1, & T2, Pine – Fell to ground level.

Reason: In the interest of public amenity value and wildlife benefit.

***Maxine Knagg BSc Arboriculture
Tree Protection Officer
Regeneration & Planning Service***

Date: 16.05.17

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

--

Tree details TPO Ref: 607(2017)
--

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Unsafe Unsuitable
- 0) Dead Unsuitable

Score & Notes 3 – Long periods of

b) Remaining longevity (in years) & suitability for TPO:

Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & Notes 4 – 40-100+ years;
--

Score & Notes 4 – Clearly
--

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Score & Notes 5 – Section 211

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add ~

Decision: ~ ~ ~

The Coach House,
Sunnyside Lane,
Lancaster,
LA1 5ED.

Maxine Knagg,
Regeneration & Planning Service,
Development Management,
PO Box 4,
Town Hall,
Lancaster,
LA1 1QR.

12th of September, 2017

Dear Ms Knagg,

Re: Objection to Tree Preservation Order no.607 (2017) – The Coach House, Sunnyside Lane, Lancaster

Thank you for your letter of the 4th of September.

We wish to maintain our objection to the above TPO on grounds including those three recognised and mentioned in your letter of the 4th. We would also like to add that, alongside branches encroaching over neighbouring boundary lines, and the potential for branches to eventually come into contact with a neighbouring house, there is also the likely future contact with the roof of our own house.

Finally for now, we appreciate your apology for the delay in responding, but we would like to point out how unfair it seems that we have only two weeks in which to reply (in reality, only ten days once your letter had arrived in the post), whereas the council can take far longer than this. What would happen if we were on holiday or were ill? What would happen if we were busy looking after elderly relatives? We know this two week period will not be your personal decision of course, but it does seem unfair and potentially problematic for local residents such as ourselves.

Yours sincerely,



David and Natasha Ashbridge

Contact: Maxine Knagg
Telephone: (01524) 582384
Fax: (01524) 582323
E-mail: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk

Appendix 7

Mr David Ashbridge and Mrs Natasha Ashbridge
The Coach House
Sunnyside Lane
Lancaster
LA1 5ED

Regeneration & Planning Service
Development Management
PO Box 4
Town Hall
Lancaster
LA1 1QR

Date: 4th September 2017

Dear Mr & Mrs Ashbridge,

Re: Objection to Tree Preservation Order no.607 (2017) – The Coach House, Sunnyside Lane, Lancaster

Further to your letter of objection with regard to the above tree preservation order, dated 07th June 2017.

Firstly, please accept my apologies for the delay in responding to you.

However, I would like to take this opportunity to respond to the issues raised in your letter with respect to TPO no.607 (2017).

There are three main elements to your letter.

- i) Concerns that two branches have failed from one or more of the trees subject of the above tree preservation order and that you fear additional branches may fail unexpectedly in the future with the potential to affect your property and the wider public domain, including roadway and footpath. You consider the trees to be too big for their locality.
- ii) Neighbours consider the trees to be a nuisance for reasons associated with encroachment of branches.
- iii) You would intend to replace the trees with new planting, and have suggested native birch trees, you would however consider other species as required.

I will respond to each element raised in numerical order.

- i) Trees are dynamic living organisms. Branches can fail in even average climatic conditions and seemingly without warning. However, the potential for failure can be significantly reduced, if trees are regularly inspected by an individual suitably trained and experienced to undertake such inspections and make appropriate recommendations for maintenance work. It is prudent for anyone to have trees inspected that under their control on a regular cyclical basis, for example, 3 yearly or as advised by a suitably qualified arborist. This is essential to identify maintenance requirements and to limit the potential for unexpected branch or tree failure. A tree preservation order does not prevent appropriate maintenance work from being undertaken, in compliance to current standards of best practice – BS 3998 (2010) Tree Work – Recommendations.

You did not provide any supporting arboriculture information, report or recommendation supporting the removal of the trees when you submitted your trees works notification (17/0050/TCA).

The two mature trees in question, have attained large proportions and as such have an immediate and significant visual impact upon the wider public domain and importantly the local conservation area. The Council does not accept reasons such as overhanging branches or encroachment of branches across boundary lines with the public or neighbouring private properties to be justification for the removal of high value amenity trees.

We recommend that the two trees in question are regularly inspected, by a suitably trained and experienced arborist. The responsibility for arranging and paying for any such inspections and subsequent recommendations for tree work lies with the tree owner. If a requirement for tree works is identified a tree works application must be submitted in writing to the Council and written authorisation obtained, prior to undertaking the works, except for the removal of dead branches which do not require prior authorisation. Further information, application forms and a list of local tree surgeons (arborist) are available online at www.lancaster.gov.uk

- ii) It is not always appropriate or possible to prune trees to prevent encroachment over neighbouring boundary lines, particularly in heavily built environments. It is however, important that branches do not make direct contact with the fabric of adjacent structures, to prevent damage to the neighbouring structures and the trees. Regular inspections by a suitably trained and experienced individual can be useful in the identification and prevention of such issues. Encroachment of branches is not in itself justification for the removal of important landscape trees, whose loss would otherwise have the potential for an adverse impact upon public amenity and the character and appearance of the local conservation area.
- iii) Trees of the age and size in question cannot be replaced by new tree planting. Their loss would be immediate and the impact upon the wider landscape permanent. Without sufficient justification and supporting information the loss of these two trees would be unacceptable. Lancaster City Council has not at this time received any supporting information for the removal of these two important landscape trees. The Council would of course review any submitted information

accordingly. Any recommendations for tree work must be in compliance to current standards of best practice, BS 3998:2010.

If after consideration of the above, I would be grateful if you would confirm whether you wish to maintain your objection, or indeed wish to withdraw your objection within 14 days of the date of this letter.

If you maintain your objection, a TPO Appeal Hearing will be arranged in due course. The committee will consider the appeal and determine whether the order should be confirmed or not. You would be informed of a hearing date accordingly.

If you should wish to withdraw your objection the order would be confirmed without modification and the trees would continue to be subject of TPO no.607 (2017).

If you have any queries, please do not hesitate to contact me.

Yours sincerely,

Maxine Knagg

**Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer**

**Regeneration Service
Development Management
Lancaster City Council**

Appendix 8

The Coach House,
Sunnyside Lane,
Lancaster,
LA1 5ED.

Maxine Knagg,
Regeneration & Planning Service,
Development Management,
PO Box 4,
Town Hall,
Lancaster,
LA1 1QR.

12th of September, 2017

Dear Ms Knagg,

Re: Objection to Tree Preservation Order no.607 (2017) – The Coach House, Sunnyside Lane, Lancaster

Thank you for your letter of the 4th of September.

We wish to maintain our objection to the above TPO on grounds including those three recognised and mentioned in your letter of the 4th. We would also like to add that, alongside branches encroaching over neighbouring boundary lines, and the potential for branches to eventually come into contact with a neighbouring house, there is also the likely future contact with the roof of our own house.

Finally for now, we appreciate your apology for the delay in responding, but we would like to point out how unfair it seems that we have only two weeks in which to reply (in reality, only ten days once your letter had arrived in the post), whereas the council can take far longer than this. What would happen if we were on holiday or were ill? What would happen if we were busy looking after elderly relatives? We know this two week period will not be your personal decision of course, but it does seem unfair and potentially problematic for local residents such as ourselves.

Yours sincerely,



David and Natasha Ashbridge

APPEALS COMMITTEE

**Tree Preservation Order No. 615 (2017)
1-5 Ashton Barns, Ashton Road, Ashton-with-Stodday
26 October 2017**

Report of Chief Officer (Legal and Governance)

PURPOSE OF REPORT

To enable Members to consider the objection received to Tree Preservation Order No. 615 (2017) located at 1-5 Ashton Barns, Ashton Road, Ashton-with-Stodday, and thereafter whether or not to confirm the Order.

This matter will be dealt with in accordance with the adopted procedure for considering matters relating to individual applications, that is, the relevant matters for consideration by the Committee will be presented in the public part of the meeting, and the decision will be made after the exclusion of the press and public, on the basis that, in making its decision, the Committee will receive exempt information in the form of legal advice on possible legal proceedings arising from the decision (Paragraph 5A of Schedule 12A of the Local Government Act 1972) as amended by the Local Government (Access to Information) (Variation) Order 2006.

RECOMMENDATIONS

That Members consider the objection to Tree Preservation Order No. 615 (2017) located at 1-5 Ashton Barns, Ashton Road, Ashton-with-Stodday, and decide whether or not to confirm the Order.

1.0 Introduction

- 1.1 Under Section 198 of the Town and Country Planning Act 1990, the Local Planning Authority may make an Order in respect of a tree or group of trees if it appears that it is expedient in the interests of amenity to make provision for the protection of trees in their area.
- 1.2 In accordance with the Town and Country Planning (Tree Preservation Order) Regulations 2012, an objection has been received to Tree Preservation Order No. 615 (2017), which has been made in relation to individual trees located at 1-5 Ashton Barns, Ashton Road, Ashton-with-Stodday.
- 1.3 In accordance with the Regulations, it is necessary to consider the objection and in order for the objection to be considered objectively, the matter is referred to the Appeals Committee.
- 1.4 The report of the City Council's Tree Protection Officer is attached (pages 35 to 38).

Appended to the report are:

- Appendix 1 - *Copy of the original Tree Preservation Order No.615 (2017) (pages 39 to 42);*
- Appendix 2a – *Photograph of one of the unprotected trees recently felled (page 43);*
- Appendices 2b and 2c – *Aerial photograph of all of the trees taken in 2013 (pages 44 to 45);*
- Appendix 2d - *Aerial photograph of the two trees before they were felled (page 46);*
- Appendix 3 – *Initial report of the Tree Protection Officer (pages 47 to 48);*
- Appendix 4 – *Copy of the Tree Evaluation Method for Preservation Orders (TEMPO) (page 49);*
- Appendix 5 – *Letter of objection received from the land and tree owner dated 25 July 2017 (pages 50 to 52);*
- Appendix 6 – *Copy of Lancaster City Council's letter of response dated 25 September 2017 (pages 53 to 55);*
- Appendix 7 – *Letter from the land and tree owner, Mrs. Clark, dated 25 September 2017, confirming her position of objection to TPO No. 615 (2017) (page 56);*
- Appendix 8 – *Letter in support of TPO No. 615 (2017) from Ms. Camp (page 57).*

2.0 Proposal Details

- 2.1 The purpose of the report is to provide Members with details to enable them to decide whether or not to confirm Tree Preservation Order No. 615 (2017).

3.0 Details of Consultation

- 3.1 Tree Preservation Order No. 615 (2017) was made and advertised in the usual way, and an objection was received.

4.0 Options

- (1) To confirm Tree Preservation Order No. 615 (2017) -
- (a) without modification;
 - (b) subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 615 (2017).

5.0 Conclusion

- 5.1 In the light of information contained within the report and its appendices, together with legal advice given at Committee and a site visit, Members are requested to determine whether or not to confirm Tree Preservation Order No. 615 (2017).

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Not applicable.

LEGAL IMPLICATIONS

A Legal Officer will be present at the meeting to advise the Committee

FINANCIAL IMPLICATIONS

Not applicable.

BACKGROUND PAPERS

Tree Preservation Order No. 615 (2017)

Contact Officer: Jane Glenton

Telephone: (01524) 582068

Email: jglenton@lancaster.gov.uk

Ref: JEG

Contact: Maxine Knagg
Telephone: 01524 582381
FAX: 01524 582323
Email: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: TPO607/2017/MK

Regeneration & Policy Service
Development Management
PO Box 4
Town Hall
Lancaster
LA1 1QR

Date: 16th October 2017

Appeals Committee (TPO)

Trees subject of the Appeals Committee – Four mature sycamore trees established on land opposite nos. 1-5, Ashton Barns, Ashton Road, Ashton with Stodday, Lancaster, subject of **Tree Preservation Order no. 615 (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 four mature sycamore trees established on land as described above. The Appeals Committee are to consider whether one of the trees, identified as T4 within the TPO should be confirmed without modification, confirmed with modifications or not confirmed. A copy of Tree Preservation Order no.615 (2017) is available at **Appendix 1**.

2.0 Background

2.1 The land in question is privately owned and is established within the wider Ashton Hall Estate. The estate is characterised by a range of large, mature landscape trees, woodlands and plantations. In addition to a number of private residential properties the wider estate also includes several commercial entities including a plant nursery and golf driving centre.

2.2 Trees and woodlands make a significant contribution to the visual amenity and wildlife benefit of the immediate and wider locality within the estate.

2.3 A concern was expressed to the council that two large mature sycamore trees had been felled on the land in question and that the remaining trees may be at risk of removal if unprotected.

- 2.4 Whilst the four trees have limited visual amenity from the main public highway to the south (Ashton Road). This does not however lessen their importance as key component features of their immediate locality and the important contribution they make to the character and appearance of the wider estate. Visitors to the commercial elements of the estate benefit from the visual amenity that the trees convey. All four of the trees have become important landscape features that are entirely in-keeping with the estate.
- 2.5 A photograph of one of the unprotected trees recently felled can be seen at **Appendix 2a**. Photographs of the trees subject of TPO no. 615 (2017), namely trees T1-T4 can be seen at **Appendices 2b** and **2c**. An aerial photograph of all of the trees taken in 2013, which includes the two trees before they were felled, can be viewed at **Appendix 2d**.
- 2.6 T1-T4 all appear to be in a good state of health and vitality and free from significant pest and disease when observed from ground level. They all have long periods of useful remaining life potential, if under good arboriculture control and ongoing management.
- 2.7 All four trees have the potential to 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 23rd June 2017 is available at **Appendix 3**.
- 3.2 A copy of the Tree Evaluation Method for Preservation Orders (TEMPO) is available at **Appendix 4**. A cumulative score of 15 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.

4.0 Tree Preservation Order no. 615 (2017)

- 4.1 Tree Preservation Order no. 615(2017) was made on 28th June 2017, in the interest of public amenity value and wildlife benefit.
- 4.2 A TEMPO score of 15 was attained supporting protection of the trees with a preservation order.

5.0 Objection to TPO no. 615 (2017)

5.1 Lancaster City Council received one letter of objection to Tree Preservation Order no. 615 (2017).

5.2 A letter of objection was received from the land and tree owner, Mrs Sarah Clark, dated 25th July 2017. A copy of the letter can be seen in full, at **Appendix 5**. A copy of Lancaster City Council's letter of response, dated 25th September 2017 is available at **Appendix 6**.

5.3 The objection relates solely to the inclusion of tree T4 within the tree preservation order. Mrs Clark has not made a formal objection to the protection of trees identified as T1, T2 and T3.

5.4 The principle points for objection to the protection of T4 include the following:

i) The description of the location of T4.

Lancaster City Council will amend the description of TPO no. 615 (2017) to state trees on: "Land opposite Hayloft Barn and nos. 1-5 Ashton Barns".

ii) Imposition of the TPO affecting T4 is unnecessary and that the imposition of the order prevents the attachment of a bird box or aerial zip line.

Bird or bat boxes can be fixed to a tree subject of a TPO, so long as it is done in a manner sympathetic to the tree. There was no evidence of a zip line at the time of the assessment. The imposition of the TPO does not prevent the area of "garden" from being used for recreational purposes.

5.5 Following the response from the Council dated 25th September 2017 the objector Mrs Clark has confirmed that she maintains her position of objection to TPO no. 615 (2017), in her letter dated 12th September 2017 (**Appendix 7**). A letter in support of TPO no. 615 (2017) is attached at **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, T2, T3 and T4** x4 Sycamore 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 cites the following reasons.

- significant contribution to the character and appearance of the site and that of the wider Ashton Hall estate;
- Trees are dominant landscape features entirely in-keeping with their surroundings and clearly visible to visitors to the adjacent commercial premises;

- 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 may be under threat from removal to justify their protection with TPO no. 615 (2017).

- 6.2 As such, Lancaster City Council recommends that TPO no. 615 (2017) be confirmed without modification to protect four mature sycamore trees identified as T1, T2 T3 and T4.

Maxine Knagg BSc (Hons) Arboriculture

Tree Protection Officer, Regeneration & Planning Service

On behalf of Lancaster City Council

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 615(2017)

---ooOoo---

RELATING TO:

Tree Preservation Order No.615(2017) Land Opposite 1-5 Ashton Barns, Ashton Road, Ashton With
Stodday

PO BOX 4
TOWN HALL
LANCASTER
LA1 1QR

TOWN AND COUNTRY PLANNING ACT 1990

**LANCASTER CITY COUNCIL
TREE PRESERVATION ORDER NO. 615(2017)**

The City Council of Lancaster, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 hereby make the following Order:

Citation

1. This Order may be cited as Tree Preservation Order No. 615(2017), "Tree Preservation Order No.615(2017) Land Opposite 1-5 Ashton Barns, Ashton Road, Ashton With Stodday" 28th June 2017.

Interpretation

2. (1) In this Order "the authority" means the Lancaster City Council.
- (2) 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 2011.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) 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, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written 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.

Application to trees to be planted pursuant to a condition

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.

Dated this 28th day of June 2017

Signed on behalf of the Lancaster City Council:



**Andrew Dobson DipEP MRTPI PDDMS
CHIEF OFFICER (REGENERATION AND PLANNING)**
Authorised by the Council to sign in that behalf

SCHEDULE

Specification of Trees

TREE PRESERVATION ORDER NO. 615(2017)

Tree Preservation Order No.615(2017) Land Opposite 1-5 Ashton Barns, Ashton Road, Ashton With Stodday

TREES SPECIFIED INDIVIDUALLY

(Encircled in a solid black line on map)

Reference on Map	Description	Situation		
T1	Sycamore	Centred grid ref:	on (E) 346083	(N) 457181
T2	Sycamore	Centred grid ref:	on (E) 346082	(N) 457190
T3	Sycamore	Centred grid ref:	on (E) 346048	(N) 457195
T4	Sycamore	Centred grid ref:	on (E) 346041	(N) 457212

TREES SPECIFIED BY REFERENCE TO AN AREA

(Shown within a dotted black line on map)

GROUP OF TREES

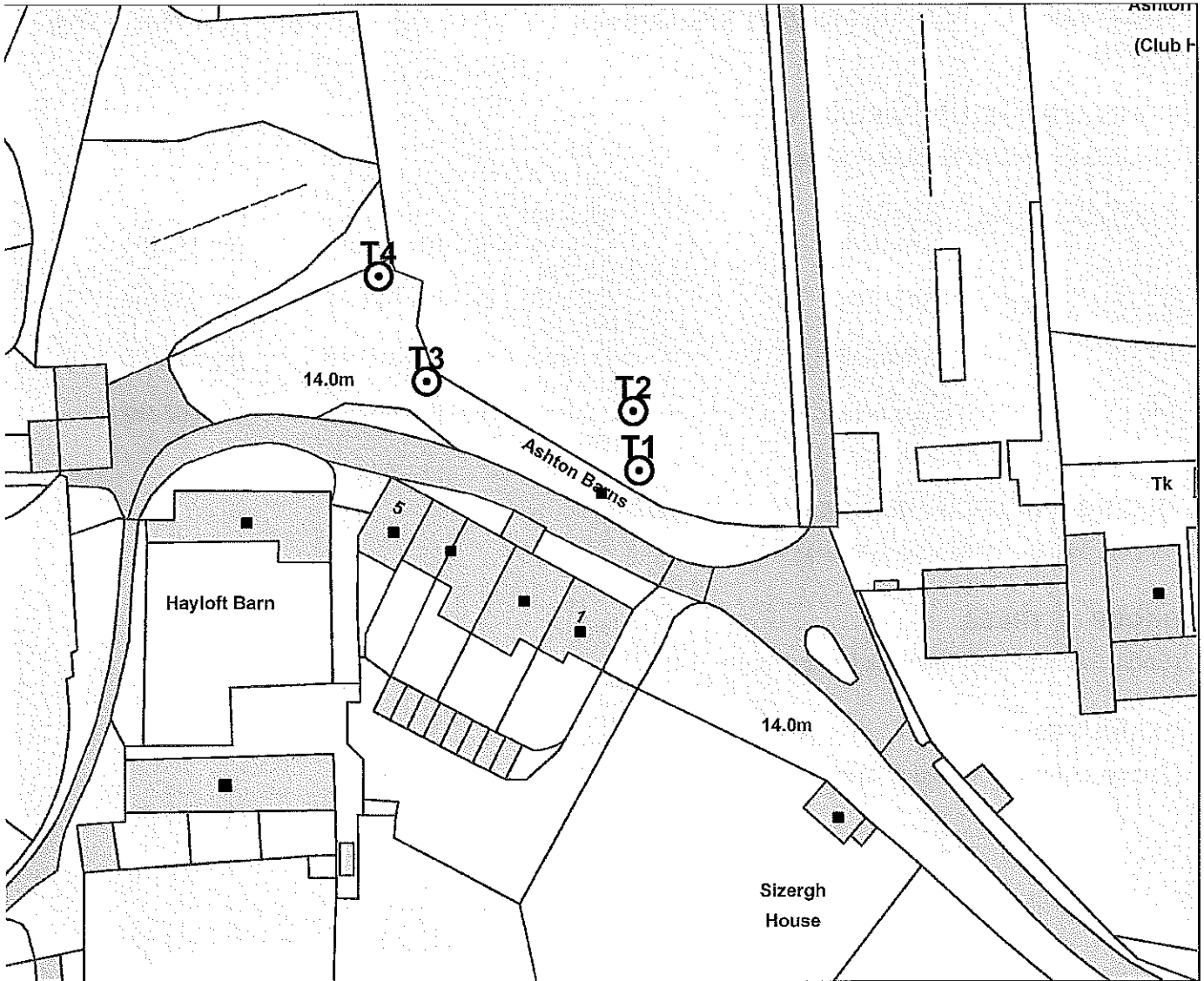
(Shown within a broken black line on map)

WOODLAND

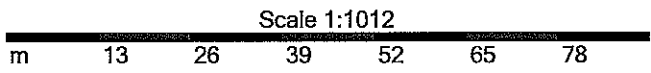
(Shown within a solid black line on map)

TPO No. 615(2017)

Land Opposite 1-5 Ashton Barns, Ashton Road, Ashton with Stodday



Legend

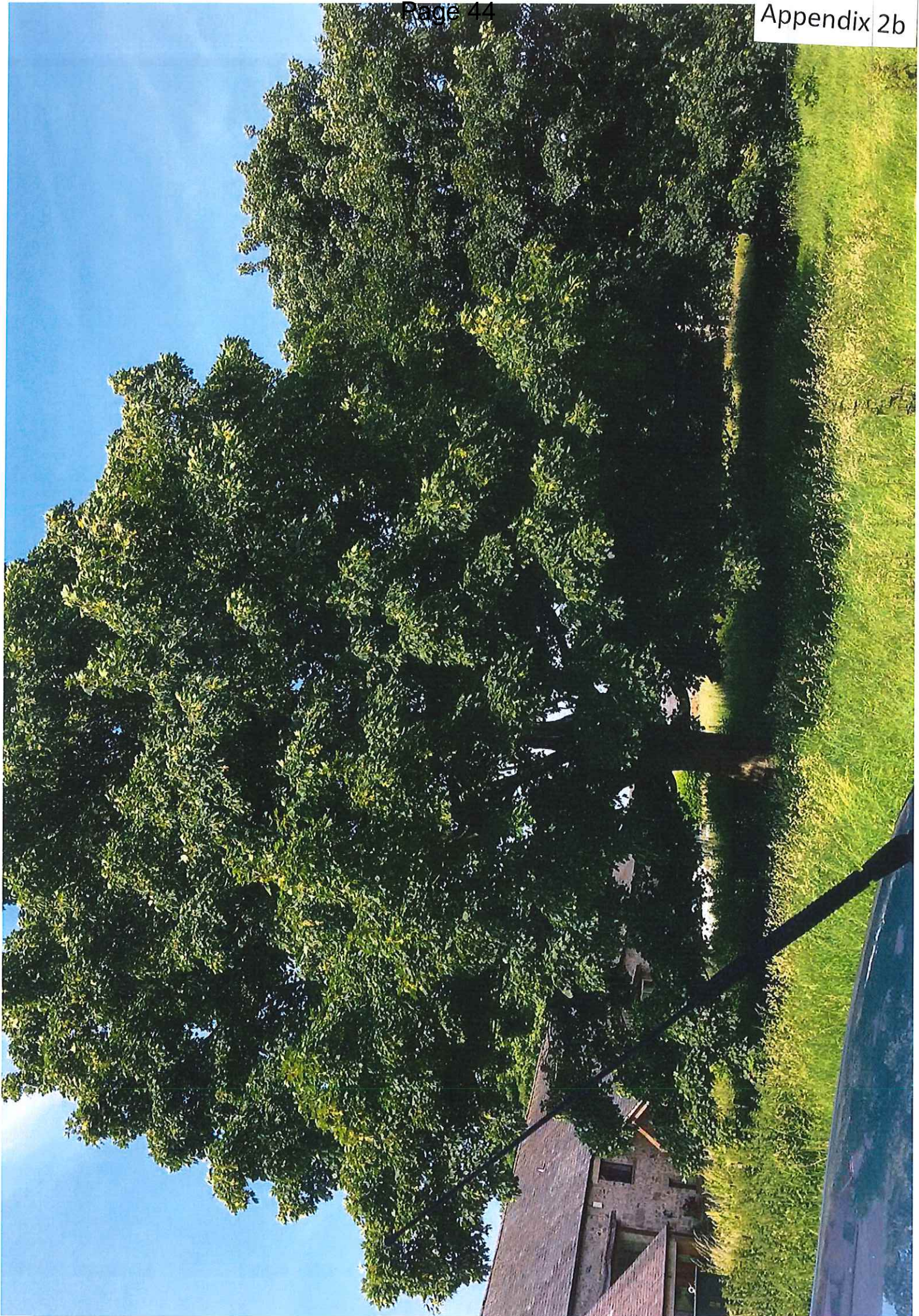


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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	28 June 2017
SLA Number	Not Set









Location of trees T1-T4 (TPO 615(2017))
 on land opposite Ashton Barns
 Ashton Hall Estate
 Ashton Rd.,
 Lancaster

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Appendix 3

Site: Land opposite, 1-5, Ashton Barns, Ashton Hall Estate, Lancaster
Proposed New TPO: Affecting a total of x4 mature sycamore trees

Assessment:

Lancaster City Council received local concerns that a number of mature trees opposite Ashton Barns were under threat from removal, following the recent removal of two similarly mature sycamore, established immediately adjacent to the remaining four trees.

The remaining four mature sycamore trees have been assessed for their suitability to be protected with a tree preservation order. All of the trees are growing on grassland opposite residential properties identified as nos. 1-5 Ashton Barns, established within the wider Ashton Hall Estate.

All of the trees offer important foraging and habitat opportunities for a potential range of wildlife, including protected species, such as nesting birds and bats. Both groups of wildlife are protected under the Wildlife & Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. Care must be taken to ensure that protected species are not disturbed or harmed and in so doing avoid a criminal offence from occurring; if protected species are present, work must not start and further appropriate advice must be sought.

Trees must be assessed for the presence of protected species. Where there is evidence that bats, birds or other protected species are present, the statutory nature conservation organisation must to be consulted prior to commencement of any tree work operations.

Trees

For the purpose of this report the trees in question have been identified as T1-T4, sycamore.

Generally the trees are in good overall condition with long periods of useful remaining life potential. All of them are clearly visible landscape features which make an important contribution to the character and appearance of the site and wider estate.

The loss of any of these trees has the potential to adversely impact upon the character and appearance of the immediately site and wider estate.

T1 – T4 have been assessed using a Tree Evaluation Method for Preservation Orders (TEMPO). A score of 15 was achieved, meriting their protection with a tree preservation order.

Lancaster City Council intends to protect all four trees T1-T4 with a tree preservation order, as a precaution, to prevent their removal or inappropriate management without the owners' first obtaining written authorisation from the local authority.

T1 – T4 will be protected with Tree Preservation Order no. 615 (2017), in the interest of amenity and wildlife benefit.

It is a criminal offence to lop, top, fell, prune, uproot or otherwise damage the above or below ground structures of a tree subject of a TPO without first obtaining written authorisation from the local authority. Anyone found guilty of an offence in a Magistrates Court is liable to a maximum fine of £20,000.

***Maxine Knagg BSc Arboriculture
Tree Protection Officer
Regeneration & Planning Service***

Date: 23.06.17

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

--

Tree details TPO Ref: 615(2017)
--

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Unsafe Unsuitable
- 0) Dead Unsuitable

Score & Notes 3 – Four large, mature
--

b) Remaining longevity (in years) & suitability for

Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & Notes 4 –40-100years, if under
--

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

Score & Notes

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes 1 – None

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Score & Notes 2 – Two large sycamore
--

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add ~

Decision: ---

Appendix 5

Hayloft Barn
Ashton with Stodday
Lancaster
LA2 0AJ

Your Ref: 615(2017)

25 July 2015

Andrew Dobson
Regeneration and Planning
Development Management
Team
PO Box 4
Town Hall
Lancaster
LA1 1QR

By Hand

Dear Mr Dobson

Re: Objection to Proposed Tree Preservation Order No. 615(2017) T4. Land opposite 1-5 Ashton Barns, Ashton road Ashton with Stodday

I refer to your letter dated 28 June 2017.

I confirm that I make no objection to T1, T2 & T3 of the above order, however I strongly object to **TPO 615(2017) T4** under Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012. I note that your letter at paragraph 7 refers to Regulation 3 of the 2012 Regulations a copy of which does not feature within the letter as alleged; Regulation 6 features to which my objection and comments comply.

My reasons for objecting to **TPO 615(2017) T4** are as follows:

1. T4 sycamore is situated in the private front garden of my home Hayloft Barn, a more accurate description of the position of T4 is opposite Hayloft barn, not 1-5 Ashton barns, please see attached title plan associated with Hayloft barn.
2. I consider it an unnecessary restriction relating to a tree which is located in my private garden which for around 20 years has provided a play area including zip wire affixed to the trees with bird boxes which can no longer be enjoyed due to the proposed imposition of a TPO.
3. The felling of 2 similar trees within the front garden to Hayloft barn on 01 June 2017, one of which had died and was considered dangerous and the other which was interfering with light and services, also located within the front garden does not put all other trees located in Hayloft barn garden either to the front or the rear of the property or any other trees in the vicinity under the threat of removal; had that been the case T1-T4 would also have been removed on 01 June 2017. I note that the TPO 615(2017) was made almost a whole month after the complaint was made on 01 June.

which for me puts into question the alleged reason behind the making of TPO No 615(2017); had the threat of removal of the trees been genuine and imminent as averred by the Assessment accompanying your letter, compiled by Maxine Knagg, then I am of the view that a TPO would have been imposed far sooner, if not immediately.

4. I would point out that is a widespread dispute amongst the residents at the Ashton Hall estate within which T1-T4 are located. Vexatious and mischievous allegations made by local residents against me, my family and associates, designed, in my view to harass, has led to much involvement of the local authority. The fact that T4 is situated in my front garden which is used by my family and associates on a regular basis, raises concern that should we be seen by local residents, in particular those occupying Ashton barns anywhere near T4, there is a strong likelihood that mischievous complaints will be made to the local authority against us leaving us causing unnecessary distress; we should be able to enjoy our garden freely and in private. The imposition of TPO T4 will almost certainly take away that privacy given the current situation.

I strongly object to Tree Preservation Order No. 615(2017) T4 for the reasons stated above.

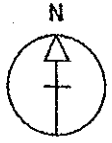
Yours sincerely

A large black rectangular redaction box covering the signature area.

Sarah Clark



TITLE NUMBER
LAN38029



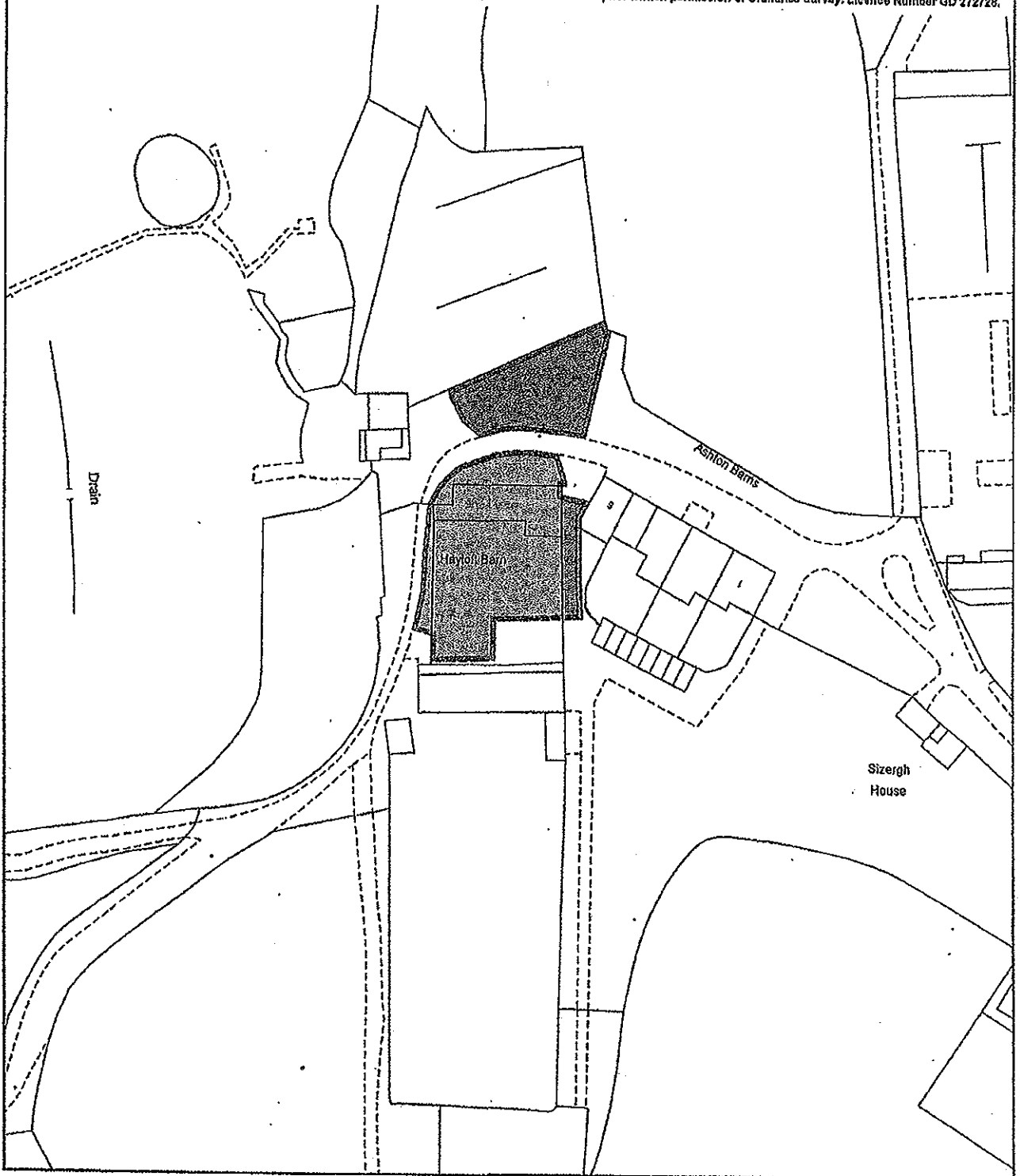
LANCASHIRE : LANCASTER

ORDNANCE SURVEY MAP REFERENCE:

SD46576W

SCALE 1:1250 Enlarged from 1:2500

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This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.

This official copy shows the state of the title plan on 5 September 2006 at 13:41:15. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original. Issued on 5 September 2006.

This title is dealt with by the District Land Registry for Lancashire.



+

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Contact: Maxine Knagg
Telephone: (01524) 582384
Fax: (01524) 582323
E-mail: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk

Appendix 6

Mrs Sarah Clark
Hayloft Barn
Ashton with Stodday
Lancaster
Lancashire
LA2 0AJ

Regeneration & Planning Service
Development Management
PO Box 4
Town Hall
Lancaster
LA1 1QR

Date: 25th September 2017

Dear Mrs Clark,

Re: Letter of objection to Tree Preservation Order no.615 (2017) – Burrow House, Burrow heights Road, Lancaster

Thank you for your correspondence dated 25th July 2017.

May I apologise for the delay in responding to your letter.

I note that you have confirmed that you have no objection to trees T1, T2 & T3, all of which are large, mature sycamore, being protected under the terms of TPO no.615 (2017). Your objection relates solely to tree T4, sycamore.

You have raised four reasons for objection to the above tree preservation order. I will address each one in numerical order.

1. You state that you consider a more accurate description of the location of T4 to be on land which you consider as your private front garden to your property and not land opposite 1-5 Ashton barns. You have enclosed a copy of a land registry title plan referenced as LAN38029 which links the land to that of Hayloft Barn.

We will amend the description of TPO 615 (2017) to state trees on: "Land opposite Hayloft Barn and nos. 1-5 Ashton Barns".

2. You consider the imposition of the TPO affecting T4 to be unnecessary and that the imposition of the order prevents the attachment of a bird box or aerial zip line.

Bird or bat boxes can be fixed to a tree subject of a TPO, so long as it is done in a manner sympathetic to the tree, i.e. there are no ligatures fixed around the stem or branches of the tree which in time would have the potential to cause irreparable damage to the affect structures. Any existing boxes can continue to be maintained, so long as they are not attached by ligatures.

With regard to an aerial zip line. There was no such structure fixed to the tree at the time the order was served. The attachment of structures to any tree protected or otherwise has the potential to adversely impact upon tree health, vitality and safety in the future. Certainly, the attachment of cables around the main structures of T4 would be unacceptable because of the potential threat to the future health, vitality, safety and long term sustainability. The imposition of the TPO does not prevent the area of "garden" from being used for recreational purposes. There are indeed a great many trees subject of TPO's that are established within private domestic gardens across the district which do not adversely impact upon the owner's enjoyment of their outdoor space.

3. The assessment of T4 along with trees T1-T3, came about following the removal of two similarly large mature sycamore trees from within the "front garden" area of your property. You have stated that one of the two trees felled was in fact dead. However, when I visited there was no evidence of a dead tree amongst the numerous branches and timber still present on site. In addition, you confirmed that the second tree was felled because of an existing conflict with overhead utility services - Many trees can be successfully pruned to alleviate conflicts to avoid any direct contact with overhead service lines. Evidently, this mature tree had co-existed with the overhead line for multiple decades before.

Of course all of the trees now subject of TPO 615(2017) could have been felled at the same time. However, the fact that they were not does not mean that they could not be removed at some later date. The loss of two large landscape trees serves to highlight a potential vulnerability of the remaining trees. The fact that the remaining trees were assessed several weeks later is more a reflection of existing Council workloads and nothing else.

4. The relationship between neighbouring residents within the wider Ashton Hall Estate is not a matter for the Council. Moreover, the concern of the Council is the assessment of existing trees and their protection where it is deemed justifiable. Lancaster City Council carried out an objective approach and assessment to the trees in question. The Council found the protection of trees T1-T4 to be a justifiable course of action in the interest of amenity and wildlife benefit.

Following your consideration of the above. I would be grateful if you would confirm your intention as to whether you wish to maintain your objection or withdraw your objection against the inclusion of T4 within TPO 615(2017).

Please respond by no later than 13th October 2017. If we do not hear anything by this date we will assume that you are satisfied with our response and do not wish to proceed to a formal TPO Appeal Hearing.

Yours sincerely,

Maxine Knagg

**Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer
Regeneration Service
Development Management
Lancaster City Council**

Appendix 7

Hayloft Barn
Ashton with Stodday
Lancaster
LA2 0AJ

[Redacted]

Your Ref: 615(2017)

03 October 2017

Regeneration and Planning Service
Development Management
PO Box 4
Town Hall
Lancaster
LA1 1QR

By Hand

Dear Ms Knagg

Re: Objection to Proposed Tree Preservation Order No. 615(2017) T4, Land opposite 1-5 Ashton Barns, Ashton road Ashton with Stodday

Thank you for your letter dated 25 September 2017.

I confirm that I wish to maintain my objection against the inclusion of T4 within TPO 615(2017).

I also confirm that TPO 615(2017) to which my objection relates concerns trees at Ashton Hall Estate and not trees at Burrow House, Burrow heights Road, Lancaster as suggested in your letter.

Yours sincerely

[Redacted Signature]

Sarah Clark

Appendix 8

2 Ashton Barns
Ashton with Stodday
Lancaster
LA2 0AJ

[REDACTED]
[REDACTED]
24th July 2017

Maxine Knagg
Tree Protection Officer
PO Box 4
Lancaster City Council
Town Hall
Dalton Square
Lancaster
LA1 1QR

Dear Ms Knagg,

Re: Tree Preservation at Ashton Hall Estate

I just wanted to put on record my thanks for all your help with this matter on our estate. I know from reading correspondence it can get quite emotive. This is mainly due, as I am sure you are aware, that we as residents are very wary of the intentions of Stodday Land.

I am extremely grateful that you have protected the trees for now. I watch each night as a parliament of owls roost in the trees in the fields and would be heartbroken if they were removed merely to facilitate access for a commercial enterprise. Obviously if the trees are in a dangerous condition I would understand but as far as I am aware they look healthy and have been on the estate for probably a hundred years or so.

Should you wish for any assistance or information in future please do not hesitate to contact me and I would be happy to help.

Many thanks again for your help.

Yours sincerely

[REDACTED]
Judy Camp