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Date: 20th February 2014

Appeals Committee (TPO)

Trees subject of the Appeals Committee – A single tree, established on County Council land, adjacent to Darwen House, 52, Main Road, Bolton le Sands, subject of **Tree Preservation Order no. 526 (2013)**.

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 a single, mature maple established on land immediately adjacent to a private dwelling known as Darwen House, 52 Main Road, Bolton le Sands.

2.0 Background

2.1 The tree is growing on land under the control of Lancashire County Council, to the front of Bolton le Sands Library.

2.2 The tree is clearly visible from the public domain and as such makes a positive contribution to the visual amenity of the site and locality.

2.3 Lancaster City Council received a section 211 notice (13/0108/TCA) (**Appendix 1**) to undertake works to the canopy of the tree in question, in order to alleviate an existing conflict between branches and structures of the adjacent private dwelling.

2.4 The proposed work was assessed and judged to be excessive and inappropriate with regard to the age and species of tree in question and current standards of best practice, BS 3998 (2010) – Tree Work.

- 2.5** As such, TPO 526 (2013) was made on 4th October 2013 (**Appendix 2**).
- 2.6** A Tree Preservation Order does not prevent maintenance or pruning work to affected trees, it does however, safeguard the appearance, health, vitality and long term sustainability of trees where they are considered to have a positive contribution to public amenity. The nature and extent of tree works must be agreed in writing with the local authority, which in turn will use planning conditions to limit and control the extent of work to ensure the health, vitality and sustainability of affected trees and of course public amenity..
- 2.7** Trees not protected in this way are susceptible to inappropriate management and removal with significant potential to harm public amenity.
- 2.8** Importantly a TPO can be used to enforce replacement planting where trees are agreed for removal, safeguarding long term public amenity.

3.0 Amenity Value of Trees

- 3.1** The tree in question has been assessed in terms of its amenity value; a copy of the Tree Evaluation Method for Preservation Orders (TEMPO) and my initial report are included at **Appendices 3 & 4**. The use of a Tree Preservation Order is described as 'definitely merits' with a score of 15.

4.0 Wildlife Value

- 4.1** The tree in question offers habitat and foraging opportunities for a range of wildlife within the heart of the village and conservation area, including the potential for protected species such as nesting birds. Species protected under the Wildlife & Countryside Act 1981.
- 4.2** It should be noted that whilst the benefit of trees to wildlife cannot be used as a sole reason for making and serving a TPO, in conjunction with existing amenity value, the value of trees to wildlife can be recognised within current TPO legislation.

5.0 Tree Preservation Order

- 5.1** Tree Preservation Order no. 526 (2013) was made on 4th October 2013. The council objected to the extent of works proposed. If the Council objects to works identified within a section 211 notice, it must serve a TPO, if the tree in questions justifies such action in terms of public benefit.
- 5.2** Lancaster City Council considered it to be expedient in the interests of amenity to make TPO no.526 (2013) and protect and safeguard the future of the tree in question, in the interest of public amenity.

6.0 Objections to TPO no.526 (2013)

- 6.1** Lancaster City Council received a single formal, written objection to Tree Preservation Order no.526 (2013).

6.2 A letter of objection was received from Mr M.Garnett, of 52, Main Road, Bolton le Sands, dated 13.10.13 (**Appendix 5**).

6.3 The main points for objection are as follows.

7.0 Objection Letter – Main Points

7.1 Objection Letter - **Appendix 5**

- *The proximity of the tree in question to 52 Main Road causes maintenance issues relating to damp and shading of the building.*
- *A section 211 notice was submitted to the City Council, and contained proposals for the inappropriate management of the tree in question.*

7.2 Lancaster City Council's full response (dated 12.11.13) is available at **Appendix 6**.

7.3 Lancaster City Council operates a Tree Policy (adopted 2010) that does not support the inappropriate management of trees in relation to issues relating to leaf litter and shade. However, the Council would be happy to consider a new application where by tree works would be species and age appropriate and in compliance to Bs 3998 (2010).

7.4 Lancaster City received a tree works application in relation to TPO 526 (2013), application no. 13/0108/TPO (**Appendix 7**) from Lancashire County Council. Works were agreed to the canopy of this tree to include a reduction of the canopy back from the fabric of the rear elevation, a copy of this decision notice can be seen at **Appendix 8**. This work was in compliance to current standards of best practice and was completed by Lancashire County Council.

7.5 It remains the view of Lancaster City Council that the tree in question is to be retained and protected to ensure that only work that is appropriate and in compliance to current standards of best practice are undertaken, given its prominent local position within Bolton le Sands conservation area.

8.0 Decision to Serve TPO no. 526(2013)

8.1 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of the woodland in question, and at that time **under sections 198, 201 and 203 of the Town & Country Planning Act 1990**.

Lancaster City Council cite the following reasons.

T1 (Maple):

- Important public visual amenity
- important landscape feature in keeping with the character of the immediate locality and wider conservation area
- wildlife benefit
- on going threat from inappropriate future management

It should be noted that a tree preservation order does not prevent works being undertaken that are appropriate and reasonable and in the interest of good arboriculture practice and in compliance to current standard of practice BS 3998 (2010) Tree Work.

It remains my professional opinion that the tree in question is worthy of ongoing protection with TPO 526 (2013).

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On behalf of Lancaster City Council