

Contact: Maxine Knagg  
Telephone: 01524 582381  
FAX: 01524 582323  
Email: [mknagg@lancaster.gov.uk](mailto:mknagg@lancaster.gov.uk)  
Website: [www.lancaster.gov.uk](http://www.lancaster.gov.uk)  
Our Ref: TPO470/2010/MK

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

Date: 19<sup>th</sup> November 2014

## **Appeals Committee (TPO)**

Trees subject of the Appeals Committee – A small woodland compartment of trees and x3 individual trees, established on land east of The Shore, Hest Bank, subject of **Tree Preservation Order no. 539 (2014) (Appendix 1)**.

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 objection received in relation to Tree Preservation Order no. 539 (2014).

### **2.0 Background**

2.1 The land in question has been recently subject to a planning application, no. 14/00065/FUL; a proposal for the erection of two, two-storey, four bedroom dwellings with associated access and landscaping. However, this application was withdrawn prior to determination. The land in question is designated green belt, the development of land on green belt is not generally supported.

2.2 TPO no. 539 (2014) was served to protect trees and the immediate landscape given the potential threat from the proposed development.

2.3 Tree Preservation Order no. 539 (2014) relates to x3 individual sycamore trees and a small woodland compartment comprised of mainly broadleaf species, predominantly sycamore. Ages range from semi-mature to mature.

**2.4** The land is established close to the foreshore and as such, trees are subject to the local maritime climate, characterised by salt laden winds. Local conditions have a strong influence over the form and growth rates of existing trees. Many species are unsuited to such a maritime location. This in many respects adds to the amenity value of the trees in question because they have established and matured in such potentially challenging environmental conditions.

**2.5** The wider landscape is characterised by the beach and foreshore to the west, and agricultural green belt land to the east. There are a relatively small number of residential and business premises to the north and south adjacent to The Shore.

**2.6** A copy of my initial report is available at **Appendix 2**.

### **3.0 Amenity Value of Trees**

**3.1** The trees in question have been assessed in terms of their amenity value; a copy of the Tree Evaluation Method for Preservation Orders (TEMPO) is available at **Appendix 3**. The use of a Tree Preservation Order is described as 'defensible' with a total score of 13.

**3.2** Trees identified as **T1-T3** and **W1** can be clearly seen from the public domain to the west and east. They make an important visual impact upon the character and appearance of the immediate and wider locality and are entirely in keeping with this green belt designated locality.

### **4.0 Wildlife Value**

**4.1** Trees have an important role in the provision of resources and habitat for a range of wildlife communities. In this location, trees offer protection and habitat to a range of wildlife communities and may provide habitat and foraging opportunities for protected species, including nesting birds and bats, both of which are 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. 539 (2014) was made on 7<sup>th</sup> July 2014 following the submission of a planning application to develop the land for residential use and the subsequent threat to existing trees.

**5.2** Lancaster City Council considered it to be expedient in the interests of amenity to make TPO no.539 (2014) because of the threat of removal or inappropriate management of some or all of the trees in question. The Council considers that tree losses in this location would result in an adverse impact on the character and amenity of the immediate locality

and wider landscape with the potential to adversely impact upon this green belt designated area.

- 5.3** The loss of trees in this location has significant potential to adversely impact upon important wildlife communities, some of which are in themselves also protected in law.

## **6.0 Objection to TPO no.539 (2014)**

- 6.1** Lancaster City Council received one formal, written objection to Tree Preservation Order no.539 (2014).

- 6.2** Letter no.1 was received from Mrs J Bailey (land owner), dated 15<sup>th</sup> July 2014. Unfortunately, this letter lacked detail and did not comply with the Regulation 6 Notice of the Town & Country Planning (Tree Preservation) (England) Regulations 2012, as such it was rejected as a valid objection. A full copy of the appellant's letter no.1 and the Council's formal response letter, dated 28<sup>th</sup> July 2014, **Appendices 4 & 5 (respectively)**.

- 6.3** Letter no.2 was received from the land owner, Mrs J Bailey, dated 26<sup>th</sup> August 2014. This letter was received outside the stipulated 28 days period which expired on 6<sup>th</sup> August 2014, as such was rejected as an invalid objection. A full copy of the appellant's letter no. 2 and the Council's formal response to this letter, dated 28<sup>th</sup> July 2014, is available at **Appendices 6 & 7 (respectively)**.

- 6.4** However, following further correspondence between Mrs Bailey and the Planning Support Manager for the Council. It was decided that Mrs Bailey's second letter would be accepted as a formal objection in the "interest of fairness" despite its protracted submission date. The Council acknowledged that there may have been some confusion caused when a neighbourhood consultation letter was mistakenly also issued to Mrs Bailey, resulting in a second 28 day period of consultation being wrongly invited. A full copy of the Council's letter dated 30<sup>th</sup> October 2014 can be seen at **Appendix 8**.

## **7.0 Objection letter 2 – Main Points**

### **7.1 Objection letter 2 – Appendix 6**

- Tree **T3** is described as poor overall condition – This tree is referenced as **T4** in MK's original tree report and excluded from TPO no 539 (2014) because of its poor overall condition.
- "Other" site trees have been categorised as "C" in relation to the arboriculture appraisal which formed part of the submitted tree related information, in relation to planning application no. 14/00065/FUL trees. Whilst trees within **W1** may not have the form of open grown individual trees, their value as important landscape and wildlife features should not be overlooked. The categorisation of trees in this way relates entirely to an appraisal of trees in relation to development and not in relation to the assessment of trees and public amenity value.

- Recommendations detailed within the “extracts” of the arboriculture report submitted in relation to the previous proposed development of the green belt land, relates only to the proposed development of the land and not the assessment of trees in relation to public amenity value. The TEMPO document, **Appendix 3** sets out the criteria for the assessment of the trees in question in relation to the tree preservation order.

Lancaster City Council’s full response to objection letter 2 is available at **Appendix 7**.

## **8.0 Decision to Serve TPO no.496 (2011)**

**8.1** Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of x3 individual trees (**T1-T3**) and a small woodland compartment (**W1**) **under sections 198, 201 and 203 of the Town & Country Planning Act 1990.**

Lancaster City Council cite the following reasons.  
T1-T3; and W1:

- important visual amenity
- important and appropriate landscape features in keeping with the character of their locality
- significant potential to provide important habitat and resources for a range of protected and unprotected wildlife communities
- potential threat from removal or inappropriate management

The trees in question have sufficient amenity value and importance within the landscape to justify their protection with TPO no. 539 (2014).

The trees are an important component of this local maritime environment.

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.

### **Maxine Knagg BSc (Hons) Arboriculture**

Tree Protection Officer, Development Management  
On behalf of Lancaster City Council