

Contact: Maxine Knagg
Telephone: 01524 582381
FAX: 01524 582323
Email: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk
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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