



PLANNING COMMITTEE:

DATE 19th March 2020.

Report of: Corporate Director of Place & Community

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**SUBJECT: OBJECTION TO A TREE PRESERVATION ORDER (TPO) PRIOR TO
CONFIRMATION – PINE TREE AT 6 WINIFRED LANE AUGHTON .**

Wards affected: Aughton and Downholland Ward.

1.0 PURPOSE OF THE REPORT

1.1 To consider objections to a Tree Preservation Order (TPO) No 06, 2019 (The Order) from the owner, consultant arboriculturist and neighbouring residents.

2.0 RECOMMENDATIONS TO COMMITTEE

2.1 That the TPO No 06, 2019 be confirmed without modification.

3.0 BACKGROUND

3.1 It was considered expedient in the interests of amenity to make a single Scots Pine tree subject to a TPO, Which was made on 17th October 2019 in response to possible facilitation for the construction of a building extension to the existing property.

3.2 The Scots Pine is early mature, in good condition, typical of the species with a potential useful life of many years.

3.3 Planning permission was granted on 28 October 2019 for a single storey side extension to be used to utility room, double storey rear and side extension to provide two additional bedrooms. Replacement of existing windows with new UPVC windows to front and rear of property. Replacement of existing roof tiles with new grey tiles and white external render applied to exterior of building. (Ref: 2019/0886/FUL). The extension to the house is nearing completion.

3.4 At the time this application was being considered, Policy EN2 of the West Lancashire Local Plan (2012-2027) DPD was relevant and this states that all development should maintain new and existing trees in accordance with

BS.5837:2012 – Trees in relation to design, demolition and development and that sufficient information should be submitted alongside any proposals. An Arboricultural Impact Assessment was submitted with the application.

- 3.5 The Arboricultural Officer considered the submitted Arboricultural Impact Assessment (AIA) with regard to possible impacts on surrounding trees, and in particular T1 Scots Pine. The encroachment into the root protection areas to enable construction of the proposed extension was considered minimal as detailed in the AIA. As such, provided the tree protection measures were undertaken as detailed in the AIA, then it was agreed that the health of the trees could be adequately protected and secured. A condition to adhere to the tree protection measures, (which includes fencing and ground protection) was included with approval of the application.
- 3.6 Work commenced on the extension soon after planning permission was granted and the tree protection measures put in place. However, due to the close proximity of the Scotts pine to the extension, the Arboricultural Officer had concerns that the tree may be removed during or following construction. As such, a TPO was made.

4.0 CURRENT POSITION

- 4.1 The Council has received letters of objection from the owner and an Arboricultural consultant acting on behalf of the owner, three neighbouring residents including the Cockbeck Bowling Club and the Co-op Store.
- 4.2 The owner's objections include.
- Concerns about the size and potential damage to our and other property, persons and vehicles due to possible storm damage/falling branches.
 - Roots on the surface causing an uneven surface that can create a trip hazard to elderly relatives.
 - Pine cones and needles present a hazard to our dogs and cat.
 - This directly impacts on our quality of life.
 - The general public can only get a limited view of the tree from public footpaths.

The Arboricultural Consultants objections include.

- The Tree Evaluation Method for Preservation Orders. (TEMPO) assessment is subjective.
- Close to conflicting with the existing building.
- Concerns about possible future conflict from roots.
- Concerns about nuisance from needles and cones.
- The tree provides little individual impact due to the presence of other trees.

Objections from the Cockbeck Bowling Club include.

- The tree drops needles and cones that cause a great deal of mess to the grounds and fall on to the sheds, potentially damaging our sheds.
- Cost of removing, cleaning up.
- The tree shades the grounds affecting our grass on the (bowling) green.

Objections from Co-op store include.

- Causes a nuisance and have had several complaints.

Other Objections from neighbours include.

- Too large for a domestic garden.
- Unsightly
- Concerns about safety.

4.3 The Council has received 10 letters of support for the retention of the tree and includes the following.

- Preserve the local environment in the interests of other residents.
- Stands silhouetted against the sky and is beautiful.
- It can be seen from many public places and significantly adds to life's enjoyment.
- Amenity value/visual enjoyment, this tree is in a highly visible location, seen daily by lots of people in the carpark and on the much used pathway from the train-station and bus stop up the side of the co-op.
- Carbon sequestration value: a mature tree like this one will have locked up significant carbon.
- This tree is important to the setting of the nearby Granville Park Conservation Area.
- There are no designated parking spaces directly below the tree. Also it does not overhang the bowling green.
- Wildlife connectivity and value it has great visual amenity and is part of the pine tree linkage that goes right through to the Holt Green Conservation Area.
- This tree is a native evergreen and is especially welcome visually in the winter when many of the local trees lose their leaves. The low winter sun lights up its trunk making it glow rust coloured and glorious.
- This is valuable habitat for a number of species in the area. It is also good for drainage from heavy rain, and it gives a lot of pleasure for the general public to look at.
- Pine seeds are an important part of a squirrels diet.
- We need all the trees we can possibly have in these challenging times for the climate.
- I really feel that the felling of this mature tree would be an environmental mistake and would be detrimental to the visual appearance of the area.
- We need to preserve trees not cut them down and each tree makes a difference to our CO2 production. The climate change emergency should make tree preservation a vital priority as trees sequester carbon.

4.4 Aughton Parish Council were advised of the objections to the TPO and the matter was raised at a Parish Council Meeting. Subsequently the Clerk to the Parish Council has commented that (the parish) 'members felt they were not qualified to comment on the Order'.

5.0 RESPONSE TO OBJECTIONS

5.1 The Arboricultural Consultant states that the tree is in good physiological and structure condition and the tree is considered to meet acceptable safety

standards. Periodic inspections can ensure the tree is maintained to an acceptable standard of safety as required.

Remedial works to top dress the surface where roots are protruding could potentially offer a suitable solution.

It is recognised that the tree is a large and is a dominating feature of this part of the garden. The tree is situated in the north east corner of the garden and therefore will not cause excessive shading or light obstruction to the house.

Cones and needles can be a common nuisance that will require a level of maintenance appropriate to the type of surface to be maintained, under and around the canopy of the tree.

The clearing of cones and needles is not considered to be an unduly burdensome nuisance for this type of property or the neighbouring properties where the canopy overhangs.

6.0 COMMENTS

6.1 The tree is visible between buildings from the surrounding area on Winifred Lane, Town Green Lane and Granville Park.

6.2 There is potential to prune the tree to remove several lower branches if these are deemed to be a nuisance. Such works would need to be approved (as delegated to the Corporate Director of Place & Community) with a TPO application for works.

7.0 SUSTAINABILITY IMPLICATIONS

7.1 By encouraging and promoting appropriate management of trees and woodland the Council can influence the benefits that trees may provide which include:-

- Enhancement and maintaining the environment through nature conservation by providing wildlife habitats.
- Reduction of the 'Greenhouse' effect by fixing atmospheric carbon from the air and the release of oxygen.
- Improving and maintaining air quality by filtering out particulates from the atmosphere.
- Visual enhancement by acting as screening between the built environments.
- Reducing noise pollution particularly along roads.

7.2 The removal of the tree would lead to a notable loss visual amenity and some loss of the benefits associated with biodiversity.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

8.1 None.

9.0 RISK ASSESSMENT

9.1 The actions referred to in this report are covered by the scheme of delegation to Officers and any necessary changes have been made in the relevant risk registers.

10.0 CONCLUSIONS

10.1 It is considered that retention of the tree would not prevent the reasonable enjoyment of the property.

Background Documents

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>	<u>File Ref</u>
28 Oct 2019 2019/0886/FUL		Planning application
November 2019 6/2019	6 letters of objection to the TPO	TPO
January/February 2020 6/2019	5 letters of support to the TPO	TPO
The Tree Evaluation Method for Preservation Orders. (TEMPO). 6/2019		TPO
Guidance on assessment of trees.		

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

Appendices

1. Schedule and Plan.
2. Completed form for the Tree Evaluation Method for Preservation Orders. (TEMPO).
3. The Tree Evaluation Method for Preservation Orders. (TEMPO).
Guidance on assessment of trees.
4. Photographs of the Scots Pine tree.