

<b>Report to:</b>	<b>PLANNING COMMITTEE</b>
<b>Relevant Officer:</b>	Susan Parker, Head of Development Management
<b>Date of Meeting:</b>	7 September 2021

## **TREE PRESERVATION ORDER 2021/56 – 60A STOCKYDALE ROAD, BLACKPOOL**

**1.0 Purpose of the report:**

- 1.1 The Committee is requested to decide whether or not to confirm the provisional Tree Preservation Order 2021/56 at 60a Stockydale Road, Blackpool.

**2.0 Recommendation(s):**

- 2.1 To confirm the provisional Tree Preservation Order 2021/48 at 60a Stockydale Road, Blackpool.

**3.0 Reasons for recommendation(s):**

- 3.1 To ensure the ongoing amenity value of the trees due to their visibility and contribution to the local streetscene

- 3.2 Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

- 3.2 Is the recommendation in accordance with the Council's approved budget? Yes

**4.0 Other alternative options to be considered:**

- 4.1 The trees are not in a conservation area. If the Tree Preservation Order (TPO) is not confirmed the trees will not be protected from pruning, lopping or felling, which will affect their public amenity and ecological value

**5.0 Council Priority:**

- 5.1 The relevant Council priority is: 'Communities: creating stronger communities and increasing resilience'.

## **6.0 Tree Preservation Order**

- 6.1 The owners of 60a Stockydale Road, Blackpool, submitted a planning application (reference number 21/0203) for external alterations including the erection of a 2m high boundary wall. The principal planning officer was concerned that the roots of the trees on the property boundary might be damaged by the construction of a wall, and requested the Parks Development Manager to assess the condition of the trees and their amenity value in order to inform the determination of the planning application.

The assessment concluded that there are five trees which have good form and which create an amenity line along the property's boundary. They are in a fair to good condition and, as they are semi mature, they will be present for some time and will benefit the area as they mature. He advised that one or two trees may need removing in the future to benefit the dominant specimens, and this could be managed via the development management process.

On 11 June 2021 the owner submitted a letter of objection to the planning department stating that she believed the trees do not merit a Tree Preservation Order and the objection is stated in full below:

"I am writing to confirm receipt of the Tree Preservation Order referenced above dated 12th May 2021. I wish to submit my objections for all trees specified (T1-T5) for the following grounds.

There are currently 43 TPO listed on the Blackpool Council website references TP01-TPO56 (last modified 9th June 2021). The first of which was made in 1968. In just over 50 years there have only been 56 instances where Blackpool Council have felt it necessary to impose Tree Preservation Orders. Of the listed TPOs only one other is within the Stanley ward and that is a Woodland site within the Conservation area.

The Regulation 5 notice received gives the generic reason that 'The Order has been made on the basis of the advice of the Council's Head of Parks and Greens. It is felt that the trees are of sufficient public amenity value to warrant protection in the interest of the quality of the streetscene.' This reason is identical to the other Regulation 5 notices available to view on your website and I do not believe this to be an adequate explanation to the reason that my trees have been protected.

I must also question the expedience for a TPO when I have reiterated countless times to the planning department that I do not intend to remove the trees, my planning application has been refused on two occasions and the five trees are sited within a predominately green environment.

I am the owner of the five trees and the land in which they are sited. The trees mentioned along with the character of the house and area were the reason I decided to purchase the property. The trees provide my property with much needed privacy from the overlooking new build properties and I am therefore the beneficiary of any amenity that they provide.

The property is set within Marton Moss, the semi-rural area of Blackpool. The local vicinity is made up of homes with large gardens and the entire road and nearby roads are lined with trees. The amenity of the new build properties directly across from the property would have been considered when approving that development.

The location plan attached is not very clear with regards the location of the trees. The trees do not form my boundary. My boundary is made up of bushes and the trees are setback behind these. Any changes I make to my current boundary will not affect the trees or root systems.

I am not aware of the tree officer entering my land to conduct a site visit but an accurate assessment of each individual tree would not be possible without gaining access. It should also be noted that of the five trees, two have been mis-labelled.

I would love to be the owner of a specimen tree but this is not the case. The two red horse chestnut T1 and T4, like many of these trees, suffer with canker and are clearly in decline. T4 is still not in full leaf, they both have cavities and dead wood, and the autumn fruits are poor. Sycamore trees are essentially classed as weeds and hold no value. T2 has deadwood. T3 has a large cavity close to the base and deadwood. T5 is also in decline possibly due to previous damage from a HGV that should not have been using the road. It has a cavity, deadwood, damaged branches and was late to leaf. All the trees are not of good form.

The member of the Arboricultural Association that came to conduct a site visit advised me of the above and that it is best to wait until the end of July to conduct a full inspection. I can therefore not give any more detail as to the condition or estimated retention span of the trees.

In planning application reference 21/0142 the officer states 'In terms of the contribution the trees make to the quality of the streetscene and Conservation Area, it must be acknowledged that there are a significant number of trees along North Park Drive and that the overall sense is of a very green environment. As such the trees are of less importance than they may be in a more typically urban setting.' Stockydale Road is not within the conservation area of Marton Moss but the area is a very green environment as in the case above. There are larger, more mature trees of the same types on my road and nearby roads which are also on private land, clearly visible from the road and not subject to a TPO. There are also larger, more mature trees of different types on my road and nearby roads which are also on private land, clearly visible from the road and not subject to a TPO. In fact, it seems every large house within Marton Moss have trees marking the edge of the boundary, clearly visible from the road which are not subject to a TPO. I would like to know why my trees merit a TPO as opposed to any of the other trees in the vicinity.

In planning application reference 21/0258 the applicant applied to remove trees of the same or similar types and with the same issues present. This applicant was granted permission to do so and informed that a TPO was not justified.

In planning application reference 19/0321 the applicant proposed to remove four trees within the conservation area of Marton Moss. The officer's findings stated that the trees were not worthy of a Tree Preservation Order based on the type and nature of the trees and the nature of the surroundings. The nature of the surroundings is the same in my situation. Two of the four trees in the application are sycamore trees therefore logic dictates that my sycamore trees would also not be worthy.

To conclude the mere fact that the five trees are publicly visible is not sufficient to warrant a TPO. The trees are not in good condition and therefore the retention span will be less than would normally be expected for these types of trees. Their poor form should also be noted. The trees will remain and be maintained appropriately to prolong the life. They are of benefit to my property, I like them, and they are my trees, on my land. A Tree Preservation Order in this instance is completely inappropriate, unnecessary and unjust.

I look forward to acknowledgement of the above and receiving details of the Council's determination upon this matter in due course."

- 6.2 The Parks Development Manager points out that there are several criteria to a TEMPO assessment and it is not solely based on the condition of a tree/trees and the defects present. Considerations are given to amenity, longevity, visibility, other factors and expediency. The trees in question are visible throughout the north section of Stockydale Road, the north section of Jubilee Lane North and visible to the surrounding properties, in addition to contributing to the surrounding tree population and providing habitats to the local wildlife. Under the Natural Environment and Rural Communities Act 2006 Councils have a responsibility to ensure the conservation of biodiversity. The species of the tree is not considered as part of the TEMPO assessment.
- 6.3 As there is a proposed development application number 21/0203, this is considered in relation to the expediency section of the TEMPO. The trees will be affected by the logistics and material storage of the site through soil compaction and by the boundary wall, as this will incur on the trees' Root Protection Area (RPA), which will be highlighted within the requested BS5837 report. Trees' root systems can spread 2-3 times the radius of the canopy with many species even further and, therefore, the longevity, visual amenity and expediency will be affected.
- 6.4 It is the Planning Officer's opinion, therefore, that a Tree Preservation Order is warranted, and the Planning Committee is recommended to confirm the Order.

**7.0 List of Appendices:**

- 7.1 Appendix 6(a): Provisional Tree Preservation Order 2021/56  
Appendix 6(b): TEMPO form

**8.0 Financial Considerations**

- 8.1 None.

**9.0 Legal considerations:**

9.1 None.

**10.0 Risk management considerations:**

10.1 None.

**11.0 Equalities considerations:**

11.1 None.

**12.0 Sustainability, climate change and environmental considerations:**

12.1 None.

**13.0 Internal/external consultation undertaken:**

13.1 None.

**14.0 Ethical considerations:**

14.1 None.

**15.0 Background papers:**

15.1 None.