

REPORT OF THE STRATEGIC DIRECTOR OF GROWTH & DEVELOPMENT & DEPUTY CHIEF EXECUTIVE

ORIGINATING SECTION: PLANNING (DEVELOPMENT MANAGEMENT)

REPORT TO PLANNING & HIGHWAYS COMMITTEE – 16th November 2023.

TITLE: Tree Preservation Order – Northwood Nursing & Residential Care, 206 Preston New Road/St Silas Road, Blackburn Tree Preservation Order 2023 (ref: BWD5)

WARDS: Billinge and Beardwood
COUNCILLORS: Tasleem Fazal.
Jackie Floyd.
Mohammed Irfan

1.0 PURPOSE OF THE REPORT

- 1.1 To request that the Committee endorse the actions of the Council's Arboricultural Officer/Planning Manager (Development Management) in making and serving 206 Preston New Road, Blackburn 2023 Tree Preservation Order (TPO) (ref: BWD5).
- 1.2 To request that the Committee confirm 2023 Tree Preservation Order (TPO) (ref: BWD5) without modification.

2.0 RECOMMENDATION

- 2.1 That the actions of the Arboriculturalist and Planning Manager (Development Management) in making and Northwood Nursing & Residential Care, 206 Preston New Road/St Silas Road, Blackburn 2023 Tree Preservation Order (TPO) be endorsed.
- 2.2 Northwood Nursing & Residential Care, 206 Preston New Road/St Silas Road, Blackburn 2023 Tree Preservation Order (TPO) (ref: BWD5) is confirmed without modification.

3.0 BACKGROUND & RATIONALE

- 3.1 On the 22nd May 2023, a formal "Notice of intent to undertake works in a conservation area" was submitted by the Home Coordinator at Northwood Nursing & Residential Care, 206 Preston New Road, Blackburn to undertake pruning works to the Lime trees (ref: 10/23/0431) The system of notification (211 notice) provides the Council an opportunity to consider if trees should be made subject to a TPO.
- 3.2. The notification for works included options for pruning and possible removal of the Lime trees. The Council cannot consider multiple options for works and the Council's Arboricultural officer sought clarification. A site meeting was arranged with the Home Coordinator and the owner attended, to clarify the proposed work.

Options for pruning were discussed which could resolve nuisance issues of low branches causing obstructions to vehicles, shading to the property and safety concerns. Also concerns regarding the disruption to a low boundary wall at the base of each tree were raised. It is recognised growth and expansion of the buttress of each tree, has over time resulted in movement to the wall. Repair and rebuilding options to allow for the retention of the trees were discussed. The owner's preference was however to remove both of the trees.

3.3 The two Lime trees are large and the owner of the property is concerned about their safety and potential for falling branches.

From the site visit undertaken by the Arboricultural Officer (refer to Images 1 and 2), both trees looked to be in good health with vigorous canopies. It was recommended to the owner, that pruning to remove any weak or defective branches will keep the trees in an acceptable safe condition, thus safety concerns can be alleviated. If the health and stability of the trees are in question then a professional health and safety inspection report would need to be submitted that provides evidence that these trees are at risk. During the consultation period the Council has not received any objections or information contesting either trees condition.



Image 1: Photos of proposed TPO Lime trees and access to St Silas Road – taken 13th July 2023.



Image 2: Photos of base of protected trees, site access and boundary wall – taken 13th July 2023.

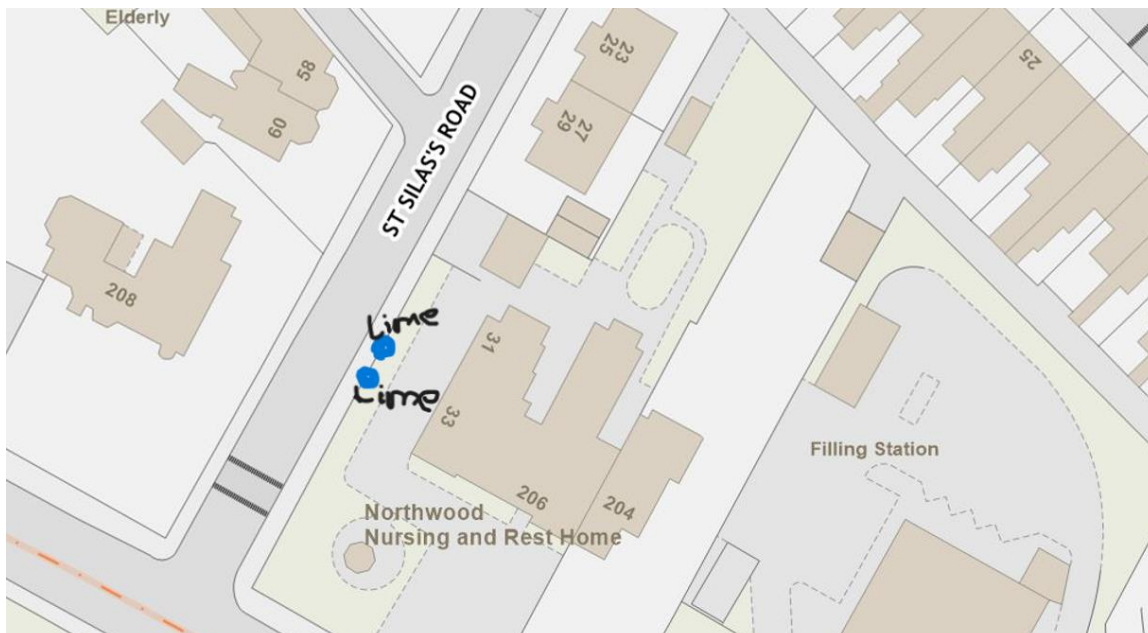


Image 3: Site location plan – 2 Lime trees, Northwood Nursing and Rest Home, 206 Preston New Road, Blackburn

- 3.4. The Arboricultural officer subsequently carried out a Tree Evaluation Method for Preservation Orders (TEMPO), which was undertaken on the 13th July 2023. The assessment gave the tree a very high score of 18 as illustrated in image 4, which fully warrants a TPO.
- 3.5 A copy of the TPO and Schedule is attached to this report. The emergency TPO was served on the landowner/freeholder on the 17th July 2023.
- 3.6 It is fully appreciated both trees are large and dominate the entrance off St Silas Road, for this reason there would be no objection to suitable pruning works to remove low nuisance branches, but it is considered there are no justifiable reasons to warrant their removal.
- 3.7 Subsequently, on the 17th July 2023 , the local planning authority objected to the notice to fell the trees with the making of a provisional TPO (ref: 10/23/0431).

Image 4: TEMPO assessment dated 13th July 2023:

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date:13 th July 2023	Surveyor: David Thornber
Tree details	
TPORef (if applicable):	Tree/Group No: 2 x Lime's (<i>Tilia spp</i>)
Owner (if known): Refer 211 Notification.	Location:, Northwood Nursing & Residential Care, 206 Preston New Road, Blackburn BB2 6PN Trees are located on St Silas's Road.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes: 4

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes: 4

**Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality*

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes: 4

d) Other factors

Trees must have accrued 7 or more points (with score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally

Score & Notes: 1

unsuitable for their location

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc s. 211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes: 5. on site discussion with owner has expressed a preference for removal of both trees.

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-11 Does not merit TPO
- 12-15 TPO defensible
- 16+ Definitely merits TPO

Add Scores for Total: 18

Decision: Make TPO

CONSULTATIONS:

- 3.8. The current freeholders of the land, where the tree is located, the neighbouring properties, and the ward councillors/Chair of the Committee were informed of the proposed TPO on the 17th July 2023
- 3.9 Acknowledgement of the TPO was received from the Chair fo the Committee on the 18th July 2023.
- 3.10 No objections to the provisional Order have been received.
- 3.11. The application to fell the two Lime trees in a conservation area was not justified on the grounds that the trees are unsafe or the damage to the low wall associated with the bases of the trees is warrented. If the health and safety of the trees are in question, then a professional health and safety inspection report would need to be submitted to provide evidence the trees pose an identifiable risk. From the Arboricultural Officer's site visit both trees looked to be in good health with vigorous canopies which are highly visable and make a strong visual impact in the area. Repairs to the wall can be carried out which do not necitate the removal of the trees.
- 3.12 It is fully appreciated both trees cause a common nuisance. Such nuisance can be mitigated with appropriate pruning works whilst maintaining the value and intergatery of the two trees. The owner could seek to resolve nuisance issues with an application to carry out works to the trees.
- 3.13 The two trees scored 16 on a TEMPO assessment that fully warrants them worthy of protecting. Therefore, it is considered that the TPO should remain unless a justified reason is presented as evidence in a future application.

4.0 **CONTACT OFFICER:** Gavin Prescott, Planning Manager
(Development Management)

5.0 **DATE PREPARED** 24th October 2023