

TPO 366

Chief Executive's Department Internal Memorandum



m10

To: D T STAMP
HEAD OF LANDSCAPE
SERVICES

From: MRS R BROWN
LEGAL SERVICES
EXT. 2088

Date: 09/04/02

Ref: RMB/DM/2/12/29/01

THE WARRINGTON BOROUGH COUNCIL (THE HIGHER LANE, LYMM NO.3)
TREE PRESERVATION ORDER 2001

Thank you for your memorandum dated 17 September 2001 (received in this office mid-March 2002). I now confirm that the confirmation date for the above Order is 13 February 2002.

Kind regards

R. Brown
.....
Rosaleen Brown
Trainee Solicitor

RECEIVED BY THE DEPARTMENT OF ENVIRONMENT WARRINGTON	
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cc File

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

THE WARRINGTON BOROUGH COUNCIL

(THE HIGHER LANE LYMM NO 3)

Tree Preservation Order 2001

The Warrington Borough Council, in exercise of the powers conferred on them by sections 198 [201] and 203 of the Town and Country Planning Act 1990 hereby make the following Order:

Citation

1. This Order may be cited as the Higher Lane Lymm No 3 Tree Preservation Order 2001.

Interpretation

2. In this Order "the authority" means the Warrington Borough Council and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990

[Application of section 201

3. The authority hereby direct that section 201 (provisional tree preservation orders) shall apply to this Order and, accordingly, this Order shall take effect provisionally on 20 September 2001

Prohibited acts in relation to trees

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) ⁽¹⁾ [or subsection (3) of section 200 (orders affecting land where Forestry Commissioners interested)], and subject to article 5, no person shall:

(a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

Exemptions

5. (1) Nothing in article 4 shall prevent:

(a) the cutting down, topping, lopping or uprooting of a tree by or at the request of

⁽¹⁾ Subsection (6) of section 198 exempts from the application of tree preservation orders the cutting down, uprooting, topping or lopping trees which are dying, dead or have become dangerous, or the undertaking of those acts in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance. Subsection (7) of that section makes section 198 subject to section 39(2) of the Housing and Planning Act 1986 and section 15 of the Forestry Act 1967.

a statutory undertaker, where the land on which the tree is situated is operational land of the statutory undertaker and the work is necessary:

- (i) in the interests of the safe operation of the undertaking;
 - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
 - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
 - (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
 - (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
 - (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Development Order) 1995;
 - (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose “drainage body” and “drainage” have the same meanings as in the Land Drainage Act 1991; or
 - (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989.

(2) In paragraph (1) “statutory undertaker” means any of the following;

- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power.
- a relevant airport operator (within the meaning of Part V of the Airports Act 1986),

- the holder of a licence under section 6 of the Electricity Act 1989,
- a public gas transporter,
- the holder of a licence under section 7 of the Telecommunications Act 1984 to whom the telecommunications code (within the meaning of that Act) is applied,
- a water or sewerage undertaker,
- the Civil Aviation Authority or a body acting on behalf of that Authority,
- the Post Office.

Applications for consent under the Order

6. An application for consent to the cutting down, topping, lopping or uprooting of any tree in respect of which this Order is for the time being in force shall be made in writing to the authority and shall:
- (a) identify the tree or trees to which it relates (if necessary, by reference to a plan);
 - (b) specify the work for which consent is sought; and
 - (c) contain a statement of the applicant's reasons for making the application.

Application of provisions of the Town and Country Planning Act 1990

7. (1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).
- (2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

Directions as to replanting

8. (1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated ("the relevant land") a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.
- (2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.
- (3) A direction under paragraph (1) may include requirement as to:
- (a) species;

- (b) number of trees per hectare;
- (c) the preparation of the relevant land prior to the replanting; and
- (d) the erection of fencing necessary for the protection of the newly planted trees.

Compensation

9. (1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of:

- (a) the refusal of any consent required under this Order; or
- (b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article:

- (a) if more than 12 months has elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
- (b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person:

- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the statement of reasons submitted in accordance with article 6(c) and any documents or other evidence submitted in support of any such statement, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
- (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph

(3) as it applies to the assessment of compensation where a felling licence is refused under Section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article:

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

“owner” has the meaning given to it by section 34 of the Forestry Act 1967.

[Application to trees to be planted pursuant to a condition

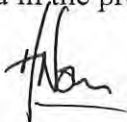
10. In relation to the tree[s] identified in the first column of Schedule 1 by the letter “C”, being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted][those trees are planted].]

[Orders made by virtue of section 300

11. This Order takes effect in accordance with subsection (3) of section 300 (tree preservation orders in anticipation of disposal of Crown Land).]

Dated this 20 day of September 2001

THE COMMON SEAL of WARRINGTON)
BOROUGH COUNCIL was hereunto)
affixed in the presence of)



Solicitor to the Council



14787

ADAPTATIONS OR MODIFICATIONS

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1):</p> <p style="padding-left: 40px;">(i) omit:</p> <p style="padding-left: 80px;">“, in such manner as may be prescribed by a development order,”,</p> <p style="padding-left: 80px;">“such” in the second place where it appears, and</p> <p style="padding-left: 80px;">“as may be prescribed”; and</p> <p style="padding-left: 40px;">(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In subsection (2):</p> <p style="padding-left: 40px;">(i) after “contain” insert “, as regards each such order”; and</p> <p style="padding-left: 40px;">(ii) for paragraphs (a) and (b) substitute:</p> <p style="padding-left: 80px;">(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and</p> <p style="padding-left: 80px;">(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it”.</p> <p style="padding-left: 40px;">(c) Omit subsections (3) and (4) (as required by section 198 (4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1):</p> <p style="padding-left: 40px;">(i) substitute:</p> <p style="padding-left: 80px;">“Subject to subsections (1A) and (1B), where “ for “Where”;</p>

	<p>“the authority” for “a local planning authority”;</p> <p>“consent under a tree preservation order” for “planning permission” where those words first appear; and</p> <p>“consent under the order” for “planning permission” in both of the other places where those words appear;</p> <p>(ii) after “think fit”, insert:</p> <p>“(including conditions limiting the duration of the consent or requiring the replacement of trees)”;</p> <p>(iii) omit “subject to sections 91 and 92,”.</p> <p>(b) After subsection (1) insert:</p> <p>“(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).”.</p> <p>(c) Omit subsections (2) and (3).</p>
<p>Section 75 (effect of planning permission)</p>	<p>(a) In subsection (1) substitute:</p> <p>(i) “Any” for the words from “Without” to “any”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission to develop land”;</p> <p>(iii) “the consent” for “the permission”; and</p> <p>(iv) “the land to which the order relates” for “the land”.</p> <p>(b) Omit subsections (2) and (3)</p>

Section 78 (right to appeal against planning decisions and failure to take such decisions)

(a) In subsection (1) substitute:

- (i) “the authority” for a “local planning authority”;
- (ii) “consent under a tree preservation order” for “planning permission” in the first place where those words appear;
- (iii) “consent under such an order” for “planning permission” in the second place where those words appear;

(iv) for paragraph (c) substitute:

“(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or

(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,”.

(b) Omit subsection (2)

(c) In subsection (3) for “served within such time and in such manner as may be prescribed by a development order.” substitute:

“in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served:

(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority’s decision or direction or within such longer period as the Secretary of State may allow;

(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.”.

	<p>(d) For subsection (4), substitute:</p> <p style="padding-left: 40px;">“(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).”.</p> <p>(e) For subsection (5), substitute:</p> <p style="padding-left: 40px;">“(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.</p>
<p>Section 79 (determination of appeals)</p>	<p>(a) In subsections (1) and (2), substitute “the authority” for “the local planning authority”</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute:</p> <p style="padding-left: 40px;">(i) “section 70(1), (1A), and (1B)” for “sections 70, 72(1) and (5), 73 and 73A and Part 1 of Schedule 5”;</p> <p style="padding-left: 40px;">(ii) “consent under a tree preservation order” for “planning permission”; and</p> <p style="padding-left: 40px;">(iii) “the authority” for “the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of section 65 or 71.”.</p> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after “section 78”.</p>

[CONFIRMATION OF ORDER

This Order was confirmed by the Warrington Borough Council without modification on the
day of]

OR

This Order was confirmed by the Warrington Borough Council, subject to the modifications
indicated by [state how indicated], on the day of

.....
Authorised by the Council to sign in that behalf]

[DECISION NOT TO CONFIRM ORDER

[A decision not to confirm this Order was taken by Warrington Borough Council on the
day of]

.....
Authorised by the Council to sign in that behalf]

[VARIATION OF ORDER

[This Order was varied by Warrington Borough Council on the day of
under the reference number]

.....
Authorised by the Council to sign in that behalf]

[REVOCATION OF ORDER

[This Order was revoked by Warrington Borough Council on the day of
under the reference number]

.....
Authorised by the Council to sign in that behalf]

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on map	Description	Situation
T1	Sycamore	<i>To the West side of 2 Woodland Avenue, Lymm</i>
T2	Lime	<i>Within the front garden of 2 Woodland Avenue, Lymm</i>
T3	Lime	<i>Within the front garden of 117 Higher Lane, Lymm</i>
T4	Lime	<i>Within the front garden of 117 Higher Lane, Lymm</i>
T5	Robinia	<i>Within the front garden of 121 Higher Lane, Lymm</i>
T6	Copper Beech	<i>Within the front boundary hedge of 133 and 135 Higher Lane</i>
T7	Scot's Pine	<i>Within the front garden of 135 Higher Lane</i>
T8	Lime	<i>On the Eastern boundary of the garden of 147 Higher Lane</i>
T9	Lime	<i>On the Southern boundary of Foxley Hall 149 Higher Lane</i>
T10	Carpinus	<i>On the Southern boundary of Foxley Hall 149 Higher Lane</i>
T11	Silver Birch	<i>To the Eastern side of Foxley Hall 149 Higher Lane Rixton</i>
T12	Birch	<i>Within the front garden of 90 Higher Lane Lymm</i>

T13	Birch	<i>Within the front garden of 92 Higher Lane Lymm</i>
T14	Lime	<i>Within the front garden of 102 Higher Lane Lymm</i>
T15	Birch	<i>Within the front garden of 102 Higher Lane Lymm</i>
T16	Birch	<i>Within the front garden of 110 Higher Lane</i>

Trees specified by reference to an area

(within a dotted line on the map)

None

Groups of trees

(within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
[G1]	Group consisting of 25 English oaks	Located along the Western boundary of enclosure number 2927 Higher Lane Lymm

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
[W1]	mixed hardwood woodland consisting mainly of oak, beech, ash, chestnut and sycamore	Located on land between number 2 and 4 Woodland Avenue Lymm
[W2]	mixed hardwood woodland consisting mainly of beech, oak and sycamore	Located on land adjacent to 88 Higher Lane Lymm

SCHEDULE 2

PART 1

PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED WITH



**The Warrington Borough Council
(Higher Lane, Lymm No.3)
Tree Preservation Order 2001**

T P O Number 366

Date made *20th September 2001*

Date confirmed



**WARRINGTON
BOROUGH
COUNCIL**

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WARRINGTON BOROUGH COUNCIL
TOWN & COUNTRY PLANNING ACT 1990

REVOCATION ORDER

THE CHESHIRE COUNTY COUNCIL (THE HIGHER LANE LYMM)
TREE PRESERVATION ORDER 1951

The **CHESHIRE COUNTY COUNCIL** ("the Authority") did on 15 May 1951 make the above Tree Preservation Order, ("the Order") pursuant to Section 28 of the Town and Country Planning Act 1947 ("the Act") the Order being subsequently confirmed by the Authority with modification on 28 December 1951.

The Authority now hereby makes the following "Revocation Order" 2001:-

(THE HIGHER LANE LYMM NO:3) TREE PRESERVATION ORDER 2001

The Order dated 15 May 1951 is now revoked in its entirety and is no longer in force.

Dated this 20 day of September 2001

The Common Seal of **WARRINGTON**
BOROUGH COUNCIL was hereunto
affixed in the presence of:-



Solicitor to the Council



14786

PART II
PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990
AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

Section 69

- (1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.
- (2) The register shall contain, as regards each such order:
 - (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
 - (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of.....
- (5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

Section 70

- (1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order:
 - (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
 - (b) they may refuse consent under the order.
- (1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.
- (1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

Section 75

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) ensure for the benefit of the land to which the order relates and of all

persons for the time being interested in it.

Section 78

- (1) Where the authority:
 - (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
 - (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
 - (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
 - (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority.

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served:

- (a) in respect of a matter mentioned in any of the paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

.....

Section 79

(1) On an appeal under section 78 the Secretary of State may:

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under Section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

.....

(7) Schedule 6 applies to appeals under section 78.

5th October 2008

Mr. G. Haslam
Warrington Borough Council
Environment and Regeneration Department
Hawthorn Avenue
Woolston
WA1 4AL



Jmk

T.P.O 366

Dear Mr. Haslem,

Re: Tree bordering 2 Woodland Avenue, Lymm - (The Higher Lane Lymm No 3)
Tree Preservation Order 2001. (W1)

I am writing to ask permission to take down a tree that's branches are over-hanging onto my roof. The tree concerned is in the wood/field directly at the back of my house and boundary. There is a preservation order on the woods. Unfortunately I have had two squirrels jumping on to my roof from this tree and am anxious that they may eventually get into my loft from the eaves of my roof and start to nest.

You did call round to my house a few months ago, regarding getting access to the woods/field at the back of my house, to check on trees bordering Bryant Homes new housing development off Longbutt Lane.

During this visit I spoke to you about the above tree and you said at that time, that the tree in question was not an important tree and you would give permission to remove it, as long as I made efforts to get permission from the original owners of the woods.

I have made every effort to try and find the original owners of the woods, without success. After contacting Warrington Legal Dept, they tell me after checking their archives, that the original Preservation Order for the above (Woods 1) was pinned onto the trees, because the owners could not be found at that time. This was in the 1950s. I have made numerous enquiries myself to no avail. The woods/field is unregistered at Land Registry and nobody has ever shown me ownership deeds to the woods/field.

I would be grateful if you could contact me regarding this matter and to arrange a visit in the near future, if that is necessary.

Yours sincerely,


Maureen Whittle

2 Woodland Avenue
Lymm
Cheshire
WA13 0BJ

Tel: 01925 755095

*letter for
byers
28/10/08.*

Environment & Regeneration Department

Internal Memorandum



To: Howard Norris
Solicitor to the Council
Chief Executive's Department
Cc – Searches, Dev. Control

From: D T Stamp
Head of Landscape Services

Date: 10TH August 2001

Ref: DTS/SL/TPO 366

PROPOSED TREE PRESERVATION ORDER AT:

THE HIGHER LANE, LYMM NO.3

Please find enclosed the necessary information to enable you to prepare the above Tree Preservation Order.

I await receipt of the copy of the Order in due course.

A handwritten signature in black ink, appearing to read "D T Stamp".

D T Stamp
HEAD OF LANDSCAPE SERVICES

ENCS

'ROUTINE' OR 'EMERGENCY' TPO (Please delete as appropriate)

PROPOSED TREE PRESERVATION ORDER

TITLE: Site 415482 Lane, ~~403~~ Lymn No. 3

POSTAL ADDRESS:

OCCUPIED/UNOCCUPIED: YES - NO (Please delete as appropriate)

OCCUPIER(S) - IF KNOWN:

OWNER(S) - IF KNOWN & ADDRESS

OTHER PARTIES AFFECTED BY THE ORDER:

GRID REFERENCE: SJ ___ / ___

REASONS: 1 2 3 4 5 6 7 8 9 10 11 12 13 (Please circle as appropriate)

HARDWOODS/SOFTWOODS:

Please continue over page - species/catagories etc

ADMIN USE ONLY:

MAPS FORWARDED TO GRAPHICS:

REF No	SPECIES:	DESCRIPTION OF LOCATION:
T1	SYCAMORE	TO THE WEST SIDE OF 2 WOODLAND AVENUE, LYMM
T2	LIME	WITHIN THE FRONT GARDEN OF 2 WOODLAND AVENUE, LYMM
T3	LIME	WITHIN THE FRONT GARDEN OF 117 HIGHER LANE, LYMM
T4	LIME	WITHIN THE FRONT GARDEN OF 117 HIGHER LANE, LYMM
T5	ROBINIA	WITHIN THE FRONT GARDEN OF 121 HIGHER LANE, LYMM
T6	COPPER BEECH	WITHIN THE FRONT BOUNDARY HEDGE OF 133 AND 135 HIGHER LANE, LYMM
T7	SCOT'S PINE	WITHIN THE FRONT GARDEN OF 135 HIGHER LANE, LYMM
T8	LIME	ON THE EASTERN BOUNDARY OF THE GARDEN OF 147 HIGHER LANE, LYMM
T9	LIME	ON THE SOUTHERN BOUNDARY OF FOXLEY HALL, 149 HIGHER LANE, LYMM
T10	CARPINUS	ON THE SOUTHERN BOUNDARY OF FOXLEY HALL, 149 HIGHER LANE, LYMM
T11	SILVER BIRCH	TO THE EASTERN SIDE OF FOXLEY HALL, 149 HIGHER LANE, RIXTON
T12	BIRCH	WITHIN THE FRONT GARDEN OF 90 HIGHER LANE, LYMM
T13	BIRCH	WITHIN THE FRONT GARDEN OF 92 HIGHER LANE, LYMM
T14	WATER LIME	WITHIN THE FRONT GARDEN OF 102 HIGHER LANE, LYMM

REF No

SPECIES:

DESCRIPTION OF LOCATION:

T15

BIRCH

WITHIN THE FRONT GARDEN OF

102 HIGHTER LANE, LYMM

T16

BIRCH

WITHIN THE FRONT GARDEN OF

110 HIGHTER LANE, LYMM

G1

GROUP CONSISTING
OF 25 ENGLISH OAKS

LOCATED ALONG THE WESTERN
BOUNDARY OF ENCLOSURE NUMBER

2927, HIGHTER LANE, LYMM

W1

MIXED WOODLAND
WOODLAND CONSISTING
MAINLY OF OAK, BEECH,
ASH, CHESTNUT AND
SYCAMORE

LOCATED ON LAND BETWEEN NO 2
AND 4 WOODLAND AVENUE, LYMM

W2

MIXED WOODLAND
WOODLAND CONSISTING
MAINLY OF
BEECH, OAK, AND
SYCAMORE

LOCATED ON LAND ADJACENT TO
88 HIGHTER LANE, LYMM



**The Warrington Borough Council
(Higher Lane, Lymm No.3)
Tree Preservation Order 2001**

T P O Number 366

Date made

Date confirmed



**WARRINGTON
BOROUGH
COUNCIL**

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Mrs Maureen Whittle
2 Woodland Avenue
Lymm
Cheshire
WA13 0BJ

Our Ref: JMck/LH/TPO.366
Date: 29 October 2008

Diana Terris
Chief Executive

Peter Taylor
Head of Service
Regeneration & Development

New Town House
Buttermarket Street
Warrington
WA1 2NH

Dear Madam

**RE: CHERRY TREE WITHIN T.P.O. HIGHER LANE, LYMM
NO. 3 T.P.O. 366(W1)**

Further to your recent letter and a subsequent site visit, I can confirm that the Borough Council would raise no objection should you wish to carry out remedial pruning to the Cherry Tree to prevent vermin from potentially entering your property.

The tree is not of exceptional quality and therefore reduction of lateral branches to adequately clear your curtilage would be acceptable provided all cuts were at a branch junction or the branch collar to avoid die-back.

Recent tree enquiries in the area have led me to believe that at least part of this piece of land is within the ownership of Mrs Hancock at 109 Higher Lane. You may wish to contact her prior to commencing works on site, this is not obligatory from the Council's point of view and remains purely at your discretion.

Please be advised that this does not confirm land ownership and perhaps the land registry would help further with this if presented with this information.

I realise this remains somewhat unsatisfactory but if I can be of any further assistance please contact me as detailed below.

Yours faithfully

John McKie
Arboricultural Assistant

Please contact: John McKie
Direct Dial: (01925) 443014

Fax No: (01925) 442845
E-Mail: jmckie@warrington.gov.uk



2008-2009
Dignity in Care

Warrington – a four star beacon authority



INVESTOR IN PEOPLE



Mrs F.Hancock.
Cintra
119 Higher Lane
Lymm,
Cheshire
WA13 0BU

Peter Taylor
Head of Service
Regeneration and Development
New Town House
Buttermarket Street
Warrington
WA1 2NH

Date: 21/05/08
Our Ref: AF/JM/TPO366

Dear Mrs Hancock,

TREE PRESERVATION ORDER No.366.

WARRINGTON BOROUGH COUNCIL

TITLE: Higher lane Lymm no.3
(Confirmed: 13/02/2002)

Notice of Decision

I refer to your application of 20/05/2008, under the above mentioned Tree Preservation Order for consent to carry out work to protected trees at 119 Higher lane Lymm.

The Council have considered your application and have decided to grant **consent subject to conditions** for the following work:-

<u>Tree No.</u>	<u>Species</u>	<u>Work Approved</u>
W1	ash	Deadwooding over adjacent new property . Reduction of lateral branches over adjacent Property at suitable junctions.Maximum branch Diameter to be no greater than 75mm. Predominantly lowest sub lateral branches to clear Garden area and re-balance crown weight.

The following **conditions** apply to the consent:-

- Condition 1 - The works hereby authorised shall be at least to the standard set out by British Standard 3998 : 1989. Recommendations for tree work
- Reason - To ensure the works are carried out in an appropriate manner and in the interest of the health and visual amenity of the tree.
- Condition 2 - The works hereby authorised shall be carried out within one year of the date of this consent notice.
- Reason - To avoid any confusion over unimplemented consents.

If you would like any further information about the Council's decision please contact John Mckie on (01925) 443014

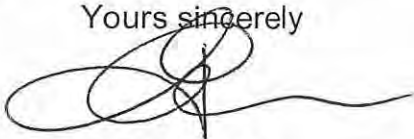
Your Right of Appeal

If you are aggrieved by the Council's decision to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment. If you want to appeal, you must do so by writing to

The Planning Inspectorate
Trees and Hedges Team
Room 4/04, Kite wing,
Temple Quay House
2The Square
Temple Quay,
Bristol BS1 6PN .

Within 28 days from the date you receive this decision. The Secretary of State has a discretion to allow a longer period.

Yours sincerely



Peter Taylor
Head of Service
Regeneration and Development

Please note that this application and all correspondence received in connection with it will be available for public inspection either via our website or in paper format, in accordance with the Local Government (Access to Information) Act 1985.

Application for tree works: works to trees subject to a preservation order (TPO)
and/or notification of proposed works to trees in conservation areas (CA).

Town and Country Planning Act 1990

Publication of planning applications on council websites

Please note that with the exception of applicant contact details and Certificates of Ownership, the information provided on this application form and in supporting documents may be published on the council's website.

If you have provided any other information as part of your application which falls within the definition of personal data under the Data Protection Act which you do not wish to be published on the council's website, please contact the council's planning department.

Please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes as incorrect completion will delay the processing of your application.

1. Applicant Name and Address			
Title:	<input type="text" value="MRS"/>	First name:	<input type="text" value="FRANCES"/>
Last name:	<input type="text" value="HANCOCK"/>		
Company (optional):	<input type="text"/>		
Unit:	<input type="text"/>	House number:	<input type="text" value="119"/>
		House suffix:	<input type="text"/>
House name:	<input type="text" value="CINTRA"/>		
Address 1:	<input type="text" value="119, HIGHER LANE"/>		
Address 2:	<input type="text"/>		
Address 3:	<input type="text"/>		
Town:	<input type="text"/>		
County:	<input type="text"/>		
Country:	<input type="text"/>		
Postcode:	<input type="text" value="WA13-0BU"/>		

2. Agent Name and Address			
Title:	<input type="text"/>	First name:	<input type="text"/>
Last name:	<input type="text"/>		
Company (optional):	<input type="text"/>		
Unit:	<input type="text"/>	House number:	<input type="text"/>
		House suffix:	<input type="text"/>
House name:	<input type="text"/>		
Address 1:	<input type="text"/>		
Address 2:	<input type="text"/>		
Address 3:	<input type="text"/>		
Town:	<input type="text"/>		
County:	<input type="text"/>		
Country:	<input type="text"/>		
Postcode:	<input type="text"/>		

3. Trees Location

Full address/location of the site where the tree(s) stand (including full postcode where available)

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Postcode (if known):

If there is not a full postal address, describe as clearly as possible where it is (for example, 'Land to the rear of 12 to 18 High Street' or 'Woodland adjoining Main Road') or provide a grid reference:

Easting:

Northing:

Description:

4. Trees Ownership

Is the applicant the owner of the tree(s): Yes No
If 'No' please provide the address of the owner (if known and if different from the trees location)

Title: First name:

Last name:

Company (optional):

Unit: House number: House suffix:

House name:

Address 1:

Address 2:

Address 3:

Town:

County:

Country:

Postcode:

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

5. What Are You Applying For?

Are you wishing to carry out works to tree(s) in a Conservation Area (CA)? Yes No

Are you seeking consent for works to tree(s) Subject to a Tree Preservation Order (TPO)? Yes No

6. Tree Preservation Order Details

Do you know the title of the Tree Preservation Order (TPO)? Yes No

If Yes, please provide the title of the TPO:

HIGHER LANE LYMM NO 3.
T.P.O 366.

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Enter the species of the tree(s) and include a sketch plan showing position(s) of the tree(s) in relation to buildings, named roads and boundaries.

If the trees are protected by a TPO, if possible please number them as shown in the First Schedule to the Tree Preservation Order (for example T3 Oak; two Beech and one Birch in G2; seven Ash in A1; sycamore in W1).

Trees and proposed works:

ASH DEADWOODING.
W1 1 REDUCE LATERALS OVER ADJACENT PROPERTY BOUNDARY TO CLEAR HEADROOM AND RE-BALANCE THE CROWN. ALL CUTS AT A SUITABLE JUNCTION.

You might find it helpful to consult a tree surgeon to clarify what needs to be done.

Please state the reference number you have given the plan:

8. Trees - Reasons For Works

This section only needs to be completed if you are seeking consent to trees under a Tree Preservation Order (TPO)

Please state the reasons for carrying out the proposed works on the tree(s):

IN THE INTERESTS OF SOUND TREE
PRACTICE

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the documents specified.

Health or safety of the tree(s) - e.g. it is diseased, fears that it might break or fall: Yes No

If Yes, information required - report by a tree professional (e.g. arboriculturist, horticultural adviser).

Alleged subsidence damage: Yes No

If Yes, information required: Full report by an engineer or surveyor, together with one from a tree professional - to include date and description of property damage; sub-soil type and shrinkage potential; location of any roots found and their identification; history of ground and building movement through a distortion survey and/or level or crack monitoring over suitable period; other vegetation in the vicinity and its management since discovery of the damage.

9. Trees - Additional Information

Are you providing additional information in support of your application? Yes No

If Yes, please provide the reference numbers of plans, documents, professional reports etc in support of your application:

10. Application For Tree Works - Checklist

Please use this checklist to ensure that the form has been completed correctly and that all relevant information is submitted.

For works to trees protected by a Tree Preservation Order, failure to supply sufficiently precise and detailed information may result in your application being rejected or delay in dealing with it. In particular, you MUST provide the following:

- 3 copies of a completed and dated application form.
- 3 copies of a sketch plan showing the location of all tree(s).
- 3 copies of a full and clear specification of the works to be carried out.
- 3 copies of a statement of reasons for the proposed work.

- evidence in support of statement of reasons. In particular, you should provide:

- 3 copies of a report by a tree professional (e.g. arboriculturist or horticultural adviser) if your reasons relate to the health and/or safety of the tree(s).
- 3 copies of a report by an engineer or surveyor, together with one from a tree professional (arboriculturist) if you are alleging subsidence damage.

For works to trees in conservation areas, it is important to supply precise and detailed information on your proposal. You may, therefore, wish to provide the following:

- 3 copies of a completed and dated form, with all questions answered.
- 3 copies of a sketch plan showing the precise location of all tree(s).
- 3 copies of a full and clear specification of the works to be carried out.

Whether the trees are protected by a TPO or in a conservation area, please indicate which of the following types of additional information you are submitting (3 copies of each need to be provided):

- photographs.
- report by a tree professional (arboriculturist) or other.
- details of any assistance or advice sought from a Local Planning Authority officer prior to submitting this form.

11. Declaration - Trees

I/we hereby apply for consent/give notice as described in this form and the accompanying plans and additional information.

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

(date cannot be pre-application)

12. Applicant Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

13. Agent Contact Details

Telephone numbers

Country code: National number: Extension number:

Country code: Mobile number (optional):

Country code: Fax number (optional):

Email address (optional):

Diana Terris
Chief Executive

Peter Taylor
Head of Service
Regeneration and Development
New Town House
Buttermarket Street
Warrington
WA1 2NH

Mrs Hancock
Cintra
119 Higher lane
Lymm, cheshire
WA13 0BU

Date: 21/05/08
Our Ref: 161

Direct Tel: 01925 443014
E-mail: jmckie@warrington.gov.uk

Dear Mrs Hancock

Re: Treeworks
Location: Above address

Further to our recent site meeting, The Borough council has recently engaged the services of the following Contractors and found them to be satisfactory.

Andrew Whitworth.
Assistant manager arb.
Lowther forestry group ltd.
Phillips farm
Glaziers lane
Culcheth, Warrington
WA3 4AQ
Tel. 01925 766588

Baldwins landscaping
Unit 8, Cosgrove Business park,
Daisy bank lane,
Anderton,
Northwich, Cheshire.
CW9 6AA
Tel 01606 783885

Simon Walton.
Euro Tree services ltd.
Pye Corner farm
Manley road
Frodsham
Cheshire.
Tel 01928 740289

The Contractor that recently carried out the works to the adjacent trees was

Paul Winter
Frankland tree services
Hillside
Mill lane
Ashley,
Altrincham,Cheshire.
WA15 0RD
Tel.0161 9415410.

Any of the above should be able to help you,However,please do not hesitate to contact me should you require any further assistance,the telephone number is to be found at the head of the letter.

Yours sincerely

John McKie
Arboricultural Technician

Mr Sherlock
102 Higher Lane
Lymm
Cheshire

Diana Terris
Chief Executive

Paula Darlington
Head of Service
Environmental Management

Woolston Depot
Hawthorne Avenue
Woolston
Warrington
WA1 4AL

Date: 5th March 2008
Our Ref: AF/GH/LH/TPO 366

Dear Mr Sherlock,

TREE PRESERVATION ORDER No. 366

WARRINGTON BOROUGH COUNCIL

TITLE: HIGHER LANE LYMM NO 3 **(Confirmed:20/09/01)**

Notice of Decision

I refer to your application of 03/03/08 under the above mentioned Tree Preservation Order for consent to carry out work to protected trees at 102 Higher Lane, Lymm.

The Council have considered your application and have decided to grant **consent subject to conditions** for the following work: -

<u>Tree No.</u>	<u>Species</u>	<u>Work Approved</u>
T14	Lime	Felling. The tree is seriously affecting the boundary wall of the property.

The following **conditions** apply to the consent:-

- Condition 1 - The works hereby authorised shall be at least to the standard set out by British Standard 3998: 1989. Recommendations for tree work.
- Reason - To ensure the works are carried out in an appropriate manner and in the interest of the health and visual amenity of the tree.
- Condition 2 - The works hereby authorised shall be carried out within one year of the date of this consent notice.
- Reason - To avoid any confusion over unimplemented consents.

If you would like any further information about the Council's decision please contact Gordon Haslam on (01925) 442713.

Your Right of Appeal

If you are aggrieved by the Council's decision to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment. If you want to appeal, you must do so by writing to Government Office for the North West, Infrastructure and Planning Group, Sunley Tower, Piccadilly Plaza, Manchester, M1 4BE, Telephone No. 0161 952 4000 within 28 days from the date you receive this decision. The Secretary of State has discretion to allow a longer period.

Yours sincerely

Peter Taylor
Head of Service
Regeneration and Development

Name: Gordon Haslam
Title: Arboricultural Officer
Tel.: (01925) 442713
Fax: (01925) 442771
Email: ghaslam@warrington.gov.uk

Tree Enquiries

Date : 08-02-08

Name: MRS Sherlock

Address: 102 Higher Lane
Lymm

Tel No: 757638

Species (if known): NOT Silver Birch.

Query/complaint: Tree @ front causing problems,
please ring to arrange a site
visit.

TPO title: Higher Lane, Lymm NO3

Confirmation date: 13-2-02.

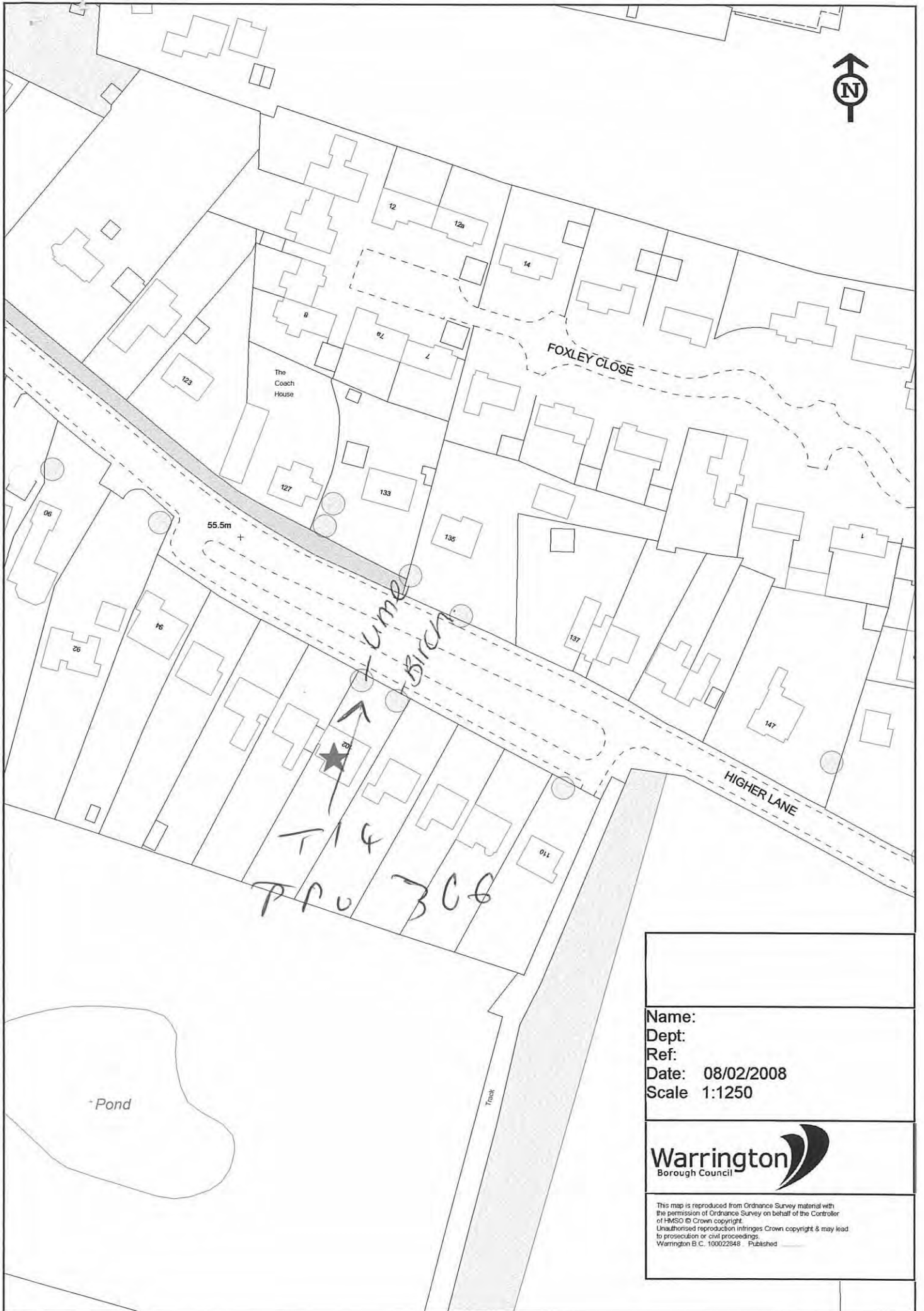
TPO No & Tree(s) ref: TPO 366 - T14 (Lime)

Involvement with current planning application: _____

Site notes: RINGS OK
TO FULL
MANAGEMENT
NOW
REVIEW

Replacement: DO

Species/size: CONIFER Owners consent required



Name:
Dept:
Ref:
Date: 08/02/2008
Scale 1:1250



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Chief Executive's Department Internal Memorandum



WARRINGTON
BOROUGH
COUNCIL



To: D T STAMP
HEAD OF LANDSCAPE
SERVICES

From: MRS R BROWN
LEGAL SERVICES
EXT. 2088

Date: 20 September 2001

Ref: RMB/LH/2/12/29/01

**THE TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (TREES) REGULATIONS 1999
THE WARRINGTON BOROUGH COUNCIL, (THE HIGHER LANE LYMM NO 3) TREE
PRESERVATION ORDER 1999**

Further to your recent instructions, I now enclose for your attention copy of the above Order which takes effect under Section 201 of the Town and Country Planning Act 1990 on 20 September 2001.

Kind regards

R. Brown

Rosaleen Brown
Legal Assistant



Also attached is a copy of the revocation order.

Mr Allison
147 Higher Lane
Lymm
Warrington

31st May 2006

Our Ref: DTS/GH/RG/TPO366-W1
Your Ref:

Dear Mr Allison

TREE PRESERVATION ORDER No.366

WARRINGTON BOROUGH COUNCIL

TITLE: Higher Lane, Lymm No.3
(Confirmed: 13.02.2002)

Notice of Decision

I refer to your application of 25th May 2006 under the above mentioned Tree Preservation Order for consent to carry out work to protected trees at 147 Higher Lane, Lymm.

The Council have considered your application and have decided to grant **consent subject to conditions** for the following work:-

<u>Tree No.</u>	<u>Species</u>	<u>Work Approved</u>
T8	Lime	Removal of small diameter lower lateral branches hanging low over the garden. Maximum diameter of branches must not exceed 75mm in diameter. Crown thinning by 25%. Minor heading back of one specific limb overhanging the garden of No. 149 Higher Lane.

The following **conditions** apply to the consent:-

- Condition 1 - The works hereby authorised shall be at least to the standard set out by British Standard 3998 : 1989. Recommendations for tree work.
- Reason - To ensure the works are carried out in an appropriate manner and in the interest of the health and visual amenity of the tree.

Cont'd

- Condition 2 - The works hereby authorised shall be carried out within one year of the date of this consent notice.
- Reason - To avoid any confusion over unimplemented consents.

If you would like any further information about the Council's decision please contact Gordon Haslam on (01925) 442713.

Your Right of Appeal

If you are aggrieved by the Council's decision to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment. If you want to appeal, you must do so by writing to Government Office for the North West, Infrastructure and Planning Group, Sunley Tower, Piccadilly Plaza, Manchester, M1 4BE, Telephone No. 0161 952 4000 within 28 days from the date you receive this decision. The Secretary of State has a discretion to allow a longer period.

Yours sincerely



J S Earle
Head of Service
Regeneration and Development

To discuss the above further, please contact:

Gordon Haslam
Arboricultural Officer
Direct dial: 01925 442713
Fax: 01925 442771
Email: ghaslam@warrington.gov.uk

Mr Allison
147 Higher Lane
Lymm
Warrington

31st May 2006

Our Ref: DTS/GH/RG/TPO366-W1
Your Ref:

Dear Mr Allison

TREE PRESERVATION ORDER No.366

WARRINGTON BOROUGH COUNCIL

TITLE: Higher Lane, Lymm No.3
(Confirmed: 13.02.2002)

Notice of Decision

I refer to your application of 25th May 2006 under the above mentioned Tree Preservation Order for consent to carry out work to protected trees at 147 Higher Lane, Lymm.

The Council have considered your application and have decided to grant **consent subject to conditions** for the following work:-

<u>Tree No.</u>	<u>Species</u>	<u>Work Approved</u>
T8	Lime	Removal of small diameter lower lateral branches hanging low over the garden. Maximum diameter of branches must not exceed 75mm in diameter. Crown thinning by 25%. Minor heading back of one specific limb overhanging the garden of No. 149 Higher Lane.

The following **conditions** apply to the consent:-

- Condition 1 - The works hereby authorised shall be at least to the standard set out by British Standard 3998 : 1989. Recommendations for tree work.
- Reason - To ensure the works are carried out in an appropriate manner and in the interest of the health and visual amenity of the tree.

Cont'd

- Condition 2 - The works hereby authorised shall be carried out within one year of the date of this consent notice.
- Reason - To avoid any confusion over unimplemented consents.

If you would like any further information about the Council's decision please contact Gordon Haslam on (01925) 442713.

Your Right of Appeal

If you are aggrieved by the Council's decision to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment. If you want to appeal, you must do so by writing to Government Office for the North West, Infrastructure and Planning Group, Sunley Tower, Piccadilly Plaza, Manchester, M1 4BE, Telephone No. 0161 952 4000 within 28 days from the date you receive this decision. The Secretary of State has a discretion to allow a longer period.

Yours sincerely



J S Earle
Head of Service
Regeneration and Development

To discuss the above further, please contact:

Gordon Haslam
Arboricultural Officer
Direct dial: 01925 442713
Fax: 01925 442771
Email: ghaslam@warrington.gov.uk



Tree Enquiries

Number: 2589

NAME: Mr Allison

ADDRESS: 147 Higher Lane

Lymm

TEL NO: 753804

SPECIES (IF KNOWN): Lime

LOCATION OF TREE(S): Front

QUERY / COMPLAINT: *site visit*

2 pm Thursday (25/5/06)

11151161 (ANG) 3

TPO 366

T8 4116

13/2/02

TPO TITLE:

CONFIRMATION DATE: Removal Lower Can

TPO NO. AND TREE(S) REF: Crown 25%

CONSERVATION AREA CONFIRMED:

INVOLVEMENT WITH CURRENT PLANNING APPLICATION: minor work

Block structure

06/04/06 14/09

SITE NOTES:

REPLACEMENT:

SPECIES / SIZE:

OWNERS CONSENT REQUIRED



Tree Enquiries

16.5.06

Number: 2580

NAME: Mr Allison

ADDRESS: 147 Higher Lane

Lymm

TEL NO: 753804

SPECIES (IF KNOWN): None

LOCATION OF TREE(S): Front

QUERY / COMPLAINT: Site inspection required.

CHECK
STATUS

TPO TITLE:

CONFIRMATION DATE:

TPO NO. AND TREE(S) REF:

CONSERVATION AREA CONFIRMED:

INVOLVEMENT WITH CURRENT PLANNING APPLICATION:

SITE NOTES:

103 - 2 PM

THURSDAY 25/5/06

REPLACEMENT:

SPECIES / SIZE:

OWNERS CONSENT REQUIRED



FOXLEY CLOSE

HIGHER LANE

OUGHTRINGTON LANE

Foxley Hall
Mews

Track

12

12a

14

7a

7

19

3

5

133

135

137

1

5

7

1

3

2

8

6

4a

4b

4

201

110

147

149

LB

2

155 to 157

Mr Hewitt
88 Higher Lane
Lymm
WA13 0BY

Our Ref: DTS/GH/LH/TPO 366 W2
Date:

Dear Mr Hewitt

TREE PRESERVATION ORDER No. 366

WARRINGTON BOROUGH COUNCIL

HIGHER LANE, LYMM NO 3

(Confirmed: 20.09.2001)

Notice of Decision

I refer to your application of 30th October under the above mentioned Tree Preservation Order for consent to carry out work to protected trees at Land adjacent to 88 Higher Lane, Lymm

The Council have considered your application and have decided to grant **consent subject to conditions** for the following work:-

<u>Tree No.</u>	<u>Species</u>	<u>Work Approved</u>
W2	Beech	Heading back by 15-20%.
	Horse Chestnut	Both trees seriously overhanging the garden whilst ensuring that any branches removed do not exceed 150mm in diameter.

All work subject to gaining the approval of the owner.

The following **conditions** apply to the consent:-

- Condition 1 - The works hereby authorised shall be at least to the standard set out by British Standard 3998 : 1989. Recommendations for tree work.
- Reason - To ensure the works are carried out in an appropriate manner and in the interest of the health and visual amenity of the tree.

Cont'd

Please Contact: Gordon Haslam
Direct Dial: 01925 442713
Fax: 01925 442771
E-Mail Address: ghaslam@warrington.gov.uk

- Condition 2 - The works hereby authorised shall be carried out within one year of the date of this consent notice.
- Reason - To avoid any confusion over unimplemented consents.

If you would like any further information about the Council's decision please contact Gordon Haslam on 01925 442713.

Your right of appeal

If you are aggrieved by the Council's decision to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment. If you want to appeal, you must do so by writing to Government Office for the North West, Infrastructure and Planning Group, Sunley Tower, Piccadilly Plaza, Manchester, M1 4BE. Telephone number 0161 952 4000 within 28 days from the date you receive this decision. The Secretary of State has a discretion to allow a longer period.

Yours sincerely



J S Earle
Assistant Director – Planning



Town and Country Planning Act 1990 S198 (Tree Preservation Order) Regulations 1969

- 5 NOV 2004
112869

(as amended)

Warrington Council
- 5 NOV 2004
GSH

Application to carry out work on protected trees

Name of Applicant: MR N. W. HEWITT
Address: 88 HIGHER LANE LYMM
CHESHIRE WA15 0BY
Tel: ~~01925~~ 01759 3888

Details of tree(s) for which consent is required

NB. Each tree should be identified with a number

Location of trees: Rear of woodland bordering on to adjacent to 88 Higher Lane Lymm

Species if known: Beech tree - just one tree.

Tree Preservation Order Ref. (T1, G2 etc): unknown
(TPO 366 - W2)

Details of work proposed

* Please indicate which of the following tree surgery operations you propose for each tree:
The tree identification number should correspond to the respective operation proposed

- 1. Removal of selected branches
- 2. Crown reduction or reshaping
- 3. Crown Lifting
- 4. Crown Thinning
- 5. Felling
- 6. Cleaning Out
- 7. Other (please specify)

To reduce a little of the overhang into No 88.

▲ Please send a sketch to identify the tree(s) and the site
* See reverse for description of operations

State the reasons for the work proposed

The tree drops a lot of debris.
Please could you inform us if trees that have been removed because they were diseased should have been replaced.

Signed: [Signature] Date: 30/10/04

Explanation of Terms

removal of selected branches

The severing of specific branches in order to clear an obstruction or the removal of dead, diseased or damaged branches. Branches should be cut back to the branch collar at the nearest growing point producing as small a wound as possible.

1. crown reduction (fig 1)

The reduction of the overall dimensions of the tree by shortening branches back to a growing point whilst retaining the natural shape of the tree.

2. crown lifting (fig 2)

The removal of the lowest branches or parts of branches, to a specified height above ground.

3. crown thinning (fig 3)

The removal of a specified proportion of small, secondary branches throughout the crown to reduce the overall density of foliage.

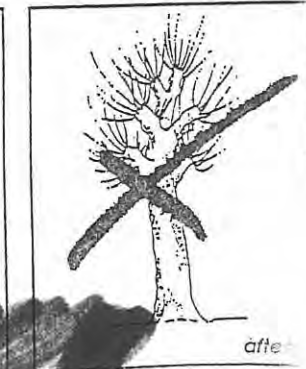
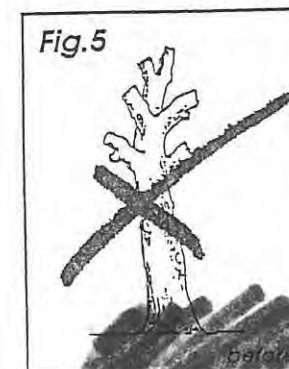
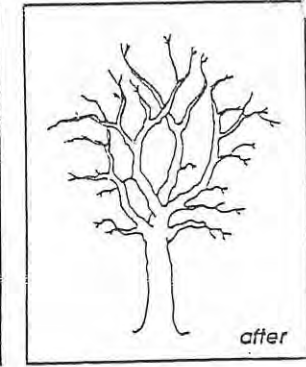
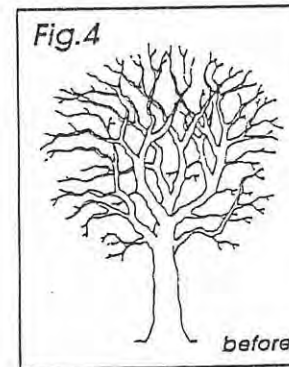
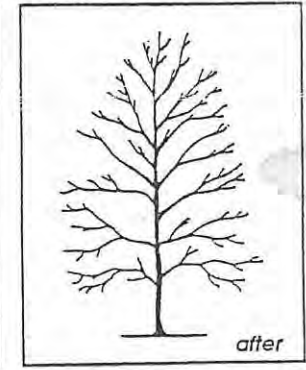
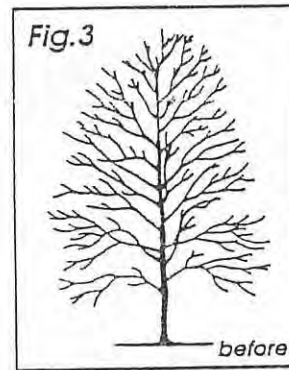
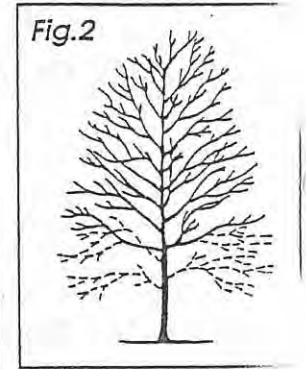
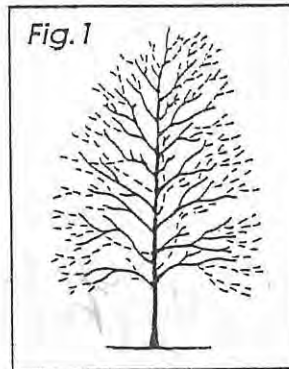
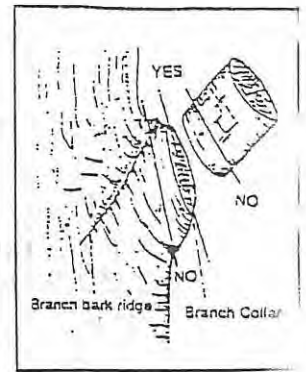
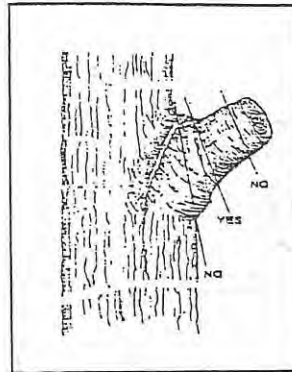
4. cleaning out (fig 4)

The removal of dead, diseased, damaged or decaying branches, and the stumps of broken branches.

5. pollarding (fig 5)

Example of lopping - totally unacceptable practice, detrimental to tree health and visually unsightly.

N.B. All work to be carried out in accordance with B.S. 3998 (1989)
- failure to complete this form in necessary detail
and supply a clear plan may delay your application.



David Bithell
4 Rosemoor Gardens
Appleton
WARRINGTON
WA4 5RG

Mr & Mrs Hewitt
88 Higher Lane
Lymm
CHESHIRE
WA13 0BY

20th August 2004

Dear Mr Mr & Mrs Hewitt

Land Adjacent to 88 Higher Lane, Lymm, Cheshire

I refer to your letter of 20th July last and would confirm that I have no objection to you arranging for the branches overhanging your property to be trimmed back to the boundary of our property subject to you signing and returning the attached indemnity letter to me.

Also this permission is given on the understanding that you will obtain all necessary permissions before commencing these works and that you will remove from the site, all the wood and any other debris arising from these works

Yours sincerely



David Bithell

Mr D Bithell
4 Rosemoor Gardens
Appleton
Warrington
WA4 5RG

Our ref: DTS/GH/RG/TPO366/W2 (formerly TPO23)
Date: 21st March 2002

Dear Mr Bithell

**TREES SUBJECT TO A TREE PRESERVATION ORDER
HIGHER LANE No.3 TPO366, FORMERLY HIGHER LANE TPO23**

I refer to your letter regarding the above and will attempt to answer the points you have raised in the same format:

- 1) Re-direction of future correspondence
In regards to this Department and specifically to issues regarding the Preservation Orders this can easily be done. However, in regards to other bodies, i.e. land registry and the likes we would be unable to enforce this.
- 2) Southern Tree Surgeons Survey
Having studied the survey and having visited the site, the Council would have no objections to the following work as shown on their survey.

2884 Sycamore felling to ground level. Although given its location the tree could be left as dead-wood for local wildlife, as it is, its not in such a location as to be a potential hazard to anyone or any property, if reduced slightly?

2887 Felling to ground level.
2889 & 2895 The trees are all in serious decline.

All other trees with the exception of trees 2893 and 2894 should be monitored.

2893 Horse Chestnut - As suggested in the report.

2894 Beech - Crown thinning by 20%.

Cont'd

Please Contact: Gordon Haslam
Direct Dial: 01925 442713
Fax: 01925 442771
E-Mail Address: ghaslam@warrington.gov.uk

3. TPO Legislation

The classification as shown in the Tree Preservation Order actually refers to a woodland classification and not as a group, as you suggest the reasoning behind this is the number and diversity of trees within the area and it was deemed the woodland classification was the most appropriate.

4. Rights of Appeal against the TPO (Tree Preservation Order)

The Council had received objections from fellow residents of Lymm to the Order, but all were successfully dealt with and on 20th September 2001 the Preservation Order was confirmed, therefore unfortunately you are now unable to object to the Order.

I trust this meets with your approval.

Yours sincerely

Gordon Haslam
Arboricultural Officer

Mr Bithell
4 Rosemoor Gardens
Appleton
Warrington
WA4 5RG

Our Ref: DTS/GH/RG/TPO366-W2 (formerly TPO23)
Date: 21st March 2002

Dear Mr Bithell

TREE PRESERVATION ORDER No.366

WARRINGTON BOROUGH COUNCIL

HIGHER LANE, LYMM, No.3
(Confirmed: 20.09.2001)

Notice of Decision

I refer to your application under the above mentioned Tree Preservation Order for consent to carry out work to protected trees at land to the west of 88 Higher Lane, Lymm.

The Council have considered your application and have decided to grant **consent subject to conditions** for the following work:-

<u>Tree No.</u>	<u>Species</u>	<u>Work Approved</u>
W2	Mixed	Pruning and felling of 4 trees as shown in tree report. Southern Tree Surgeons & accompanying letter to Dave Bithell.

The following **conditions** apply to the consent:-

Condition 1 - The works hereby authorised shall be at least to the standard set out by British Standard 3998 : 1989. Recommendations for tree work.

Reason - To ensure the works are carried out in an appropriate manner and in the interest of the health and visual amenity of the tree.

Cont'd

Please Contact: Gordon Haslam
Direct Dial: 01925 442713
Fax: 01925 442771
E-Mail Address: ghaslam@warrington.gov.uk

- Condition 2 - The works hereby authorised shall be carried out within one year of the date of this consent notice.
- Reason - To avoid any confusion over unimplemented consents.

If you would like any further information about the Council's decision please contact Gordon Haslam on 01925 442713.

Your right of appeal

If you are aggrieved by the Council's decision to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment. If you want to appeal, you must do so by writing to Government Office for the North West, Infrastructure and Planning Group, Sunley Tower, Piccadilly Plaza, Manchester, M1 4BE. Telephone number 0161 952 4000 within 28 days from the date you receive this decision. The Secretary of State has a discretion to allow a longer period.

Yours sincerely

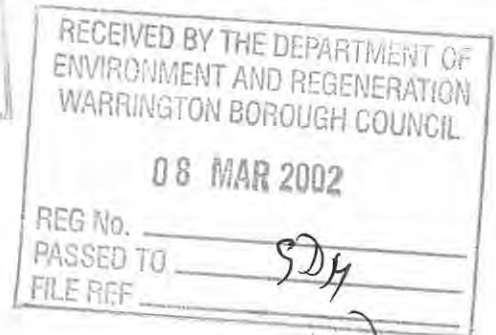
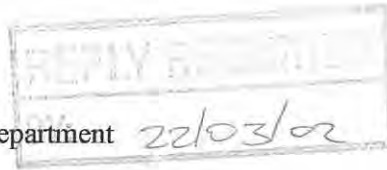


J S Earle
Assistant Director – Planning



4 Rosemoor Gardens
Appleton
WARRINGTON
WA4 5RG
Tel No. 01925 261657
Mobile 07787 754506

G. Haslam Esq
Tree Officer
Environment & Re-generation Department
New Town House
Buttermarket Street
WARRINGTON
WA1 2NH



6 March 2002

Dear Mr Haslam

Land at Higher Lane, Lymm
The Warrington Borough Council, (The Higher Lane Lymm No. 3)
Tree Preservation Order 2001 (ref W2)

Following our telephone conversation today I would confirm that unfortunately my mother, Mrs Annie Bithell, has died and that accordingly ownership of the land now vests in the executors of her estate and that for your records all future correspondence can be addressed to me.

As I explained in our telephone conversation I have recently commissioned a Tree Survey from Southern Tree Surgeons on all the trees on the land and enclose for you attention a copy of their Report.

From this you will note that they are recommending the immediate removal of 4 No. trees (Plan ref Nos. 2884, 2887, 2889, and 2895) and I would be grateful if you could let me have your Approval to remove these as a matter of urgency since, given the recent strong winds and the location of these trees in relation to Higher Lane and the adjoining bungalows, I am concerned about the damage they could cause if they are blown down.

Also given the condition report on the remaining trees I do not feel that a Group Order as defined in the above TPO is any longer justified and feel that an individual TPO in respect of the better specimens would be more appropriate.

I would be grateful therefore if you would consider this comment and let me have your views.

Finally, I was away on holiday when the TPO Notice was received and only returned a week before the date for objection expired and obviously I was unable to respond within this time limit.

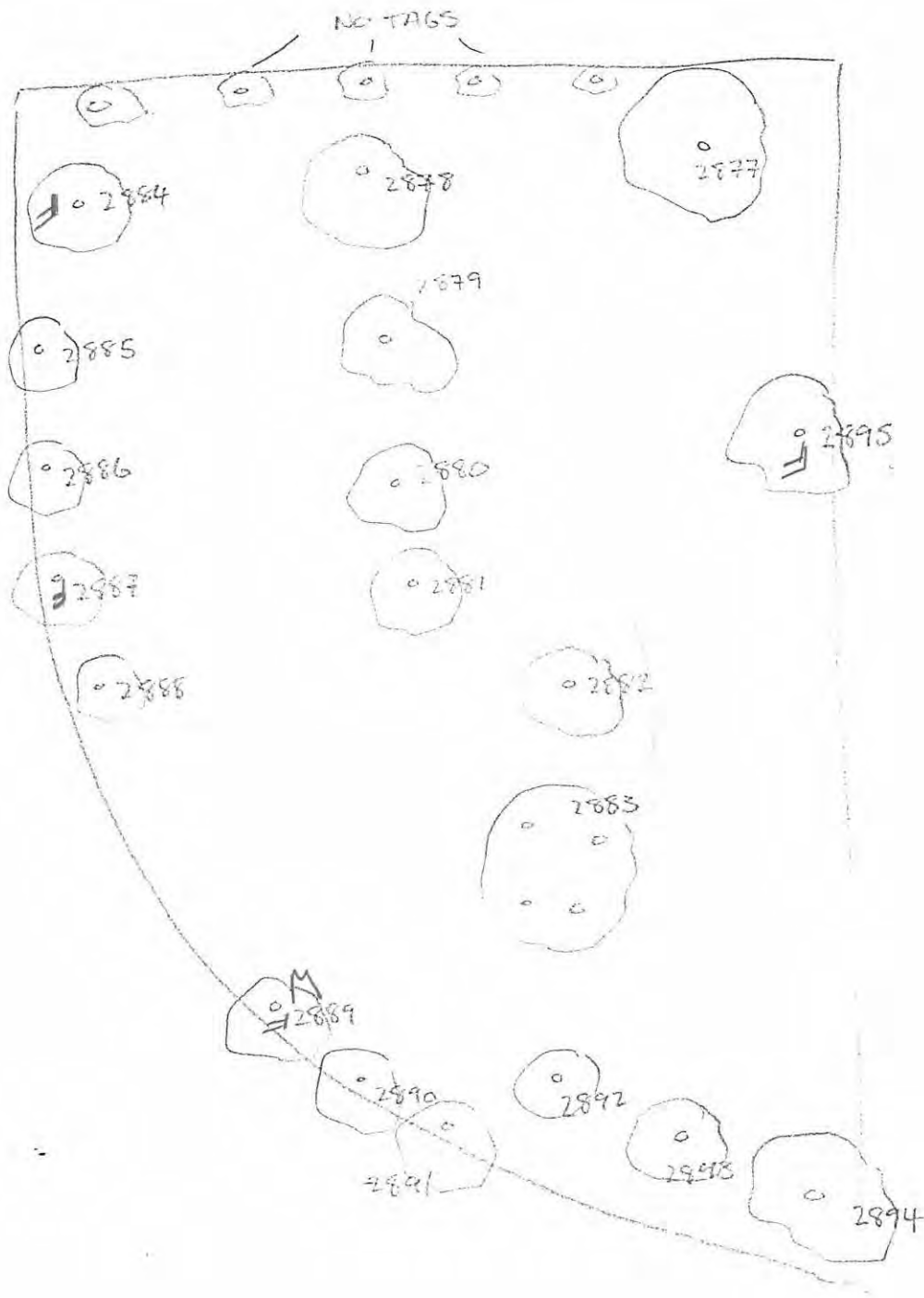
When replying therefore could you also inform me whether it is still possible to lodge an objection at this stage.

Thanking you in anticipation

Yours sincerely

David Bithell

MAIN ROAD.





By Appointment to
Her Majesty The Queen Tree Surgeons
Southern Tree Surgeons, Crawley

Southern Tree Surgeons



BY APPOINTMENT
TO HER MAJESTY THE QUEEN
TREE SURGEONS
SOUTHERN TREE SURGEONS
CRAWLEY

ARBORICULTURAL CONDITION SURVEY
AT HIGHER LANE / WOODLAND AVENUE, LYMM

INSPECTION CARRIED OUT BY : G Hill
Bartlett Tree Expert Co. Ltd
T/A Southern Tree Surgeons
The Saddle Room
Capesthorpe Hall
Macclesfield
Cheshire. SK11 9JY
Ref : GH/MC/B6009
(Telephone : 01625 890150)
Bartcheshire@aol.com
www.bartlett.com

DATE OF INSPECTION : 8th January 2002.

CLIENT : Mr D Bithell

YOUR REFERENCE : Written Instructions

1. INSTRUCTIONS

During December 2001 Southern Tree Surgeons were instructed by Mr D Bithell to inspect and report on:

- a) A number of large mature trees within the area of ground between 86 & 88 Higher Lane, Lymm.
- b) Provide an indication of the mature trees' current condition and longevity potential.

2. OBJECTIVES/LIMITATIONS

- a) To visit the site and undertake a visual non invasive inspection at ground level of the mature trees.
- b) Identify species, approximate age, condition and comment on amenity value where appropriate.
- c) Estimate current and potential dimensions of the tree.
- d) Advise on applicability of Tree Preservation Orders.
- e) Forward tree pruning/removal works which may be thought appropriate/prudent at this time.
- f) References to left and right hand elevations assume a viewing position from the public highway when facing the site.
- g) In terms of this report, the word mature or its expressed fraction refer to the ultimate dimensions normally attained by this species.
- h) The limitations and liabilities of this report are restricted to the persons, time and purposes for which the report has been prepared.
- i) This report is valid for one year subject to site conditions remaining the same as present at the time of the report.
- j) All trees represent a certain inherent degree of risk and this evaluation does not preclude all risk of failure.

3. OBSERVATIONS

The site covered in the following report, fronts onto Higher Lane, across from the entrance to Woodlands Avenue. The rear of the site backs out onto open farmland. The site is bordered on its right hand side by a sub-station and the property known as 86 Higher Lane. On its left the site is bordered by the property known as 88 Higher Lane. Tree cover on the site is provided primarily by large *Beech* trees, with some *Horse Chestnut* and *Sycamore*. Understorey is provided by some self set trees and a mix of bramble and grass.

4. TREE PRESERVATION ORDERS

As confirmed by yourself, the trees within this report are covered by (Warrington Borough Council) Tree Preservation Order 2001 (Higher Lane, Lymm No.3) Tree Preservation Order Number 366.

5. THE TREES

All measurements contained within the report are approximate due to the living nature of the tree/s.

Key: S/M= semi mature, **Young / Mature** = young mature, **M** = mature,

O/M = over mature, **M/S** = multi stemmed

N/A = detailed information not available

Diameter = trunk diameter measured at 1.5m from ground level.

Spread = average crown width

Condition assessment = is based on a visual non invasive inspection of the root plate and collar/trunk, branch Framework and overall leaf cover of the tree/s. Where appropriate a rough numerical figure has been estimated for the trees age. It should be noted this may vary considerably due to soil and location/climatic conditions coupled with the trees history.

Condition Codes:

1 = Good. 2 = Fair. 3 = Poor. 4 = Remove.

Retention Codes:

A = To Retain. B = Retention Desirable but not essential.

C = Retention not Important. D = Remove.

Priority Codes:

A = High Priority. B = Priority. C = Long Term Maintenance & Management.

Tree No.	Tree species & location	Age	Height	Diameter	Span	Condition Code	Retention Code	Priority Code
2877	Beech Left hand corner of site	M	19 m	0.85 m	Up to 10 m	2	B	C
No tag	Approximately 5 mixed species trees On front hedge line	S/SM	Up to 8 m	Up to 0.2 m	Up to 6 m	2	B/C	C
2878	Beech Central line of the site	M/OM	18 m	0.7 m	Up to 10 m	2/3	B/C	A/B
2879	Beech Central line of the site	M/OM	14 m	0.6 m	Up to 8 m	2/3	B/C	A/B
2880	Beech Central line of the site	M/OM	19 m	0.6 m	Up to 6 m	2/3	B/C	A/B
2881	Beech Central line of the site	M/OM	19 m	0.75 m	Up to 10 m	2/3	B/C	A/B
2882	Beech Central line of the site	M/OM	18 m	0.6 m	Up to 7 m	3	B/C	A/B
2883	4 x Sycamore saplings	S	Up to 9 m	Up to 0.3 m	Up to 6 m	2/3	C	C
2884	Sycamore Front right hand corner	OM	9 m	1 m	Up to 5 m	4	D	B
2885	Beech Right hand boundary	M	17 m	1.1 m	Up to 7 m	2	A/B	C
2886	Lime Right hand boundary	M	17 m	0.4 m	5 m	2	B	C
2887	Sycamore Right hand boundary	OM	17 m	0.95 m	Up to 8 m	4	D	A/B
2888	Oak Right hand boundary	SM	7 m	0.35 m	Up to 6 m	2	A/B	C
2889	Beech Right hand boundary	M	17 m	0.8 m	Up to 10 m	4	D	A/B
2890	Horse Chestnut Right hand boundary	YM	12 m	0.4 m	Up to 4 m	2	B	C
2891	Horse Chestnut Right hand boundary	M	14 m	0.5 m	Up to 5 m	2	A/B	C
2892	Horse Chestnut Rear corner	M	17 m	0.8 m	Up to 10 m	1 / 2	A	C
2893	Horse Chestnut Rear corner	M	18 m	1.1 m	Up to 15 m	2	A/B	B
2894	Beech Rear corner	M/OM	14 m	1.1 m	Up to 13 m	2	A/B	B
2895	Beech Left hand boundary	OM	18 m	1.1 m	Up to 12 m	4	4	A

Additional Remarks

2877. *Beech*. Twin stemmed tree, the trunk of this tree is shrouded in so the fork of the tree cannot be assessed. The tree appears sound at ground level. Poor twig formation in the upper canopy of the tree may indicate either decline or possible root deterioration from fungal attack. Short term re-inspect Autumn 2002 to potentially identify any fungal fruiting bodies present at this time.

No Tag. Mixed Species Trees. Self set re-generated trees mostly poor specimens growing close to the road. The ultimate height and spread potential of these trees gives limited long term potential close to the road, consider removal.

2878. *Beech*. The ivy clad trunk of this tree has a cavity at approximately 0.5 of a metre from ground level, the reaction wood around this cavity would indicate that the cavity is relatively long standing. If the tree is to be retained the percentage of decay should be established through tree hazard evaluation to assess the tree's stability. Poor twig formation in the canopy may indicate either decline or possible root decline from fungal attack. Short term undertake a tree hazard evaluation June/July 2002, and inspect in Autumn 2002 to check for fungal fruiting bodies.

2879. *Beech*. The tree appears sound at base, twig formation in the upper canopy of this tree is poor, this may indicate possible decline or root deterioration from fungal attack, short term re-inspect Autumn 2002 to check for fungal fruiting bodies.

2880. *Beech*. As 2879.

2881. *Beech*. As 2879.

2882. *Beech*. Patches of bark damage on the lower trunk of this tree may indicate damage to the vascular system in the past. The canopy of the tree is also very sparse showing poor twig formation and a high percentage of deadwood, no fungal activity was evident at the base of the tree however it may be prudent to re-inspect in Autumn 2002.

2883. Group of four *Sycamore* saplings. Self set trees generally in relatively poor condition, limited long term potential. No work currently required.

2884. *Sycamore*. Large *Sycamore* trunk section which has lost the complete top of the tree in the past, extensive re-growth on the decayed trunk section should be removed as breakage of the re-growth is likely due to the decay in the trunk section. Due to the trees proximity to the road I feel its removal would be prudent. Section fell to ground level and poison the resulting stump.

2885. *Beech*. Trunk section extensively covered in ivy, appears sound at ground level, twig formation OK. Short term no work required, long term monitor.

2886. *Lime*. This tree has been suppressed by the adjacent larger trees over the passage of time, the tree appears sound at the base and currently shows average health, long term monitor.

2887. *Sycamore*. This relatively large tree shows extensive decay at the base which shows signs of honey fungus. The crown of the tree also holds large sections of deadwood. Fell to ground level.

2888. *Oak*. Small tree with a relative degree of potential in this area. No works currently required.

2889. *Beech*. The fungus *Ustulina deusta*, is present at the base of this tree in the cavity facing the roadside. Due to the invasive nature of this fungus and the unpredictable nature of the decay it causes removal should be considered as the primary option.

2890. *Horse Chestnut*. This young mature tree is being suppressed by the adjacent larger trees although it appears to currently be in reasonable condition, long term monitor.

2891. *Horse Chestnut*. This tree appears sound at the base and shows relatively good twig formation, unfortunately it is being suppressed by the adjacent trees and shows a very one sided growth habit, however the current overall condition of the tree appears to be OK, long term monitor.

2892. *Horse Chestnut*. This tree appears sound at the base, overall twig formation good. A reasonable specimen.

2893. *Horse Chestnut*. This tree appears sound at the base, twig formation OK for a tree of this size and age, the structural formation of this tree has led to a large limb extending towards the garage of the adjacent property. This species of tree is notorious for the failure of limbs this size. Although there are currently no signs of movement or splitting on the limb it may be prudent to reduce the limb by approximately one third to discourage the chance of structural failure. It would also be prudent to discourage the tipping of debris at the base of this tree, this practice can have a negative effect on the root system of the tree. Monitor.

2894. *Beech*. Appears sound at base, twig formation average. This large tree leans heavily over the adjacent garage, due to the tree's proximity I feel it would be prudent to remove major deadwood from the tree to create a clear benchmark from which to monitor the tree's future condition, re-inspect Autumn 2002, long term monitor on an annual basis. *Crown 7.5m 20*

2895. *Beech*. Large mature tree on the boundary of the site close to the adjacent house, signs of honey fungus are present at the base of the tree, extensive die back can be seen throughout the crown of the tree. Due to the tree's size and position, remove as a priority. Section fell to ground level.

CONCLUSION


The majority of the Beech trees on the site are now approaching the end of the useful life expectancy. This can be extended by treating the group as a whole, as the trees afford each other considerable shelter and protection. Works recommended at this time will remove the trees considered dangerous, whilst allowing future monitoring of the mature tree stock on the site. The trees should be inspected June/ July to allow the leaf cover on the trees to be assessed, then later in the year around Autumn, to inspect for fungal fruiting bodies and root plate movement.

Any tree works should be carried out in accordance with British Standard 3998, 1989 – Recommendations for tree works to the standard of or by an Arboricultural Association Approved Contractor. It is essential the contractor undertaking the works has appropriate third party and public liability insurance relating to tree surgery.

All trees close to a target should be inspected on at least an annual basis should they fail.

This report is based on a visual non-invasive inspection undertaken at ground level.

The F. A Bartlett Tree Expert Company Ltd
T/A Southern Tree Surgeons


G.Hill ND. Hort. (Arboriculture)

Mr Hancock
119 Higher Lane
Lymm
Cheshire

22nd April 2004

Our Ref: DTS/GH/RG/TPO366-W1
Your Ref:

Dear Mr Hancock

TREE PRESERVATION ORDER No.366

WARRINGTON BOROUGH COUNCIL

TITLE: HIGHER LANE, LYMM No.3
(Confirmed: 20.09.2001)

Notice of Decision

I refer to your application of 19th April 2004 under the above mentioned Tree Preservation Order for consent to carry out work to protected trees at land adjacent to No.2 Woodland Avenue, Lymm.

The Council have considered your application and have decided to grant **consent subject to conditions** for the following work:-

<u>Tree No.</u>	<u>Species</u>	<u>Work Approved</u>
W1	Ash	Dead-wooding of large Ash tree situated on the field boundary and shortening back of any specific limbs bolting away from the trees main framework. Large Oak trees overhanging the garden of No.4 Woodland Avenue. Dead-wooding plus 15-20% overall reduction of the crown, if desired to reduce the chances of branch failure in extreme weather.

Cont'd

(L4)

The following **conditions** apply to the consent:-

- Condition 1 - The works hereby authorised shall be at least to the standard set out by British Standard 3998 : 1989. Recommendations for tree work.
- Reason - To ensure the works are carried out in an appropriate manner and in the interest of the health and visual amenity of the tree.
- Condition 2 - The works hereby authorised shall be carried out within one year of the date of this consent notice.
- Reason - To avoid any confusion over unimplemented consents.

If you would like any further information about the Council's decision please contact Gordon Haslam on (01925) 442713.

Your Right of Appeal

If you are aggrieved by the Council's decision to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment. If you want to appeal, you must do so by writing to Government Office for the North West, Infrastructure and Planning Group, Sunley Tower, Piccadilly Plaza, Manchester, M1 4BE, Telephone No. 0161 952 4000 within 28 days from the date you receive this decision. The Secretary of State has a discretion to allow a longer period.

Yours sincerely



JS Earle
Assistant Director - Planning

To discuss the above further, please contact:

Gordon Haslam
Arboricultural Officer
Direct dial: 01925 442713
Fax: 01925 442771
Email: ghaslam@warrington.gov.uk



Tree Enquiries

19/4/04

Number :

1398

NAME : Mr Hancock

ADDRESS : 119 Higher Lane
Lymm

TEL NO : 753807

SPECIES (IF KNOWN) :

LOCATION OF TREE(S) :

QUERY / COMPLAINT : Site visit to inspect trees
which caller is concerned about.

TPO TITLE : Higher Lane, Lymm No. 3

CONFIRMATION DATE : 13/1/2002

TPO NO. AND TREE(S) REF : 366 W1

CONSERVATION AREA CONFIRMED :

INVOLVEMENT WITH CURRENT PLANNING APPLICATION :

SITE NOTES : ASK FIELD BOARDING AREA
WOOD SHEDS BACK AND
BRICKS BOUNDARY

ONE DEAD WOOD
IS - 20% OUTSIDE PERMITS

REPLACEMENT :

SPECIES / SIZE :

OWNERS CONSENT REQUIRED





Tree Enquiries

31/3/04

Number : 1383

NAME : Mr Hancock
 ADDRESS : 119 Higher Lane
 Lymm
 TEL NO : 753807

SPECIES (IF KNOWN) : Ash tree

LOCATION OF TREE(S) :

QUERY / COMPLAINT : Branch from the Ash tree has snapped and is hanging off.

He said he would like an inspection when available.

TPO TITLE : Higher lane , Lymm No. 3

CONFIRMATION DATE : 13/02/02

TPO NO. AND TREE(S) REF : 366 W1

CONSERVATION AREA CONFIRMED :

INVOLVEMENT WITH CURRENT PLANNING APPLICATION :

SITE NOTES : 31/03/04

Telephone 14:40pm suggesting that a contractor could remove the damaged branch and ~~retrospective~~ ^{retrospective} consent issued.

Mr Hancock is prepared to wait till G.D.H's return.

REPLACEMENT :

SPECIES / SIZE :

OWNERS CONSENT REQUIRED

Mrs Whittle
2 Woodland Avenue
Lymm
Cheshire
WA13 0BJ

17th February 2004

Our Ref: DTS/GH/RG/TPO366 W1 & T1
Your Ref:

Dear Mrs Whittle

TREE PRESERVATION ORDER No.366

WARRINGTON BOROUGH COUNCIL

TITLE: HIGHER LANE, LYMM No.3
(Confirmed: 20.09.01)

Notice of Decision

I refer to your application of 12th February 2004 under the above mentioned Tree Preservation Order for consent to carry out work to protected trees at 2 Woodland Avenue, Lymm.

The Council have considered your application and have decided to grant **consent subject to conditions** for the following work:-

<u>Tree No.</u>	<u>Species</u>	<u>Work Approved</u>
T1	Sycamore	Felling to ground level situated to the left of the existing driveway – The tree is diseased.
W1	Maple & Acer	Situated near to the shed and 1 Acer on the edge of the woodland in front of a mature Beech. Minor shortening back of specific limbs overhanging grass service strip. Minor work only ensuring the balance of the trees is not affected.

The following **conditions** apply to the consent:-

- Condition 1 - The works hereby authorised shall be at least to the standard set out by British Standard 3998 : 1989. Recommendations for tree work.
- Reason - To ensure the works are carried out in an appropriate manner and in the interest of the health and visual amenity of the tree.

Cont'd

(L4)

- Condition 2 - The works hereby authorised shall be carried out within one year of the date of this consent notice.
- Reason - To avoid any confusion over unimplemented consents.
- Condition 3 - Replacement trees shall be planted in the locations specified and as detailed below. The trees shall comply with BS 3936 Nursery Stock Part 1 1992 Specifications for Trees and Shrubs and shall be planted in accordance with BS 4428 : 1989 Code of Practice for General Landscape Operations. The planting must be completed by 31st January of the winter of the year following felling.
- Reason - To ensure continuity of tree cover in the interest of visual amenity.

The planting shall consist of:

<u>No.</u>	<u>Species</u>	<u>Size</u>	<u>Height</u>
1	Crataegus Prunifolia	8-10cm stem	2 – 2.5 metres

If you would like any further information about the Council's decision please contact Gordon Haslam on (01925) 442713.

Your Right of Appeal

If you are aggrieved by the Council's decision to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment. If you want to appeal, you must do so by writing to Government Office for the North West, Infrastructure and Planning Group, Sunley Tower, Piccadilly Plaza, Manchester, M1 4BE, Telephone No. 0161 952 4000 within 28 days from the date you receive this decision. The Secretary of State has a discretion to allow a longer period.

Yours sincerely



JS Earle
Assistant Director - Planning

To discuss the above further, please contact:

Gordon Haslam
Arboricultural Officer
Direct dial: 01925 442713
Fax: 01925 442771
Email: ghaslam@warrington.gov.uk





Town and Country Planning Act 1990 S198 (Tree Preservation Order) Regulations 1969 (as amended)

Application to carry out work on protected trees

Name of Applicant MRS MAUREEN WHITTLE
Address 2 WOODLAND AVE, LYMM CHESHIRE
..... WA13 0BJ
.....
Tel : 01925 755095

Details of tree(s) for which consent is required

NB. Each tree should be identified with a number

▲ Location of trees

.....

Species if known.....

.....

Tree Preservation Order Ref. (T1, G2 etc)

.....

Details of work proposed

* Please indicate which of the following tree surgery operations you propose for each tree :
The tree identification number should correspond to the respective operation proposed

1. Removal of selected branches
2. Crown reduction or reshaping
3. Crown Lifting
4. Crown Thinning
5. Felling
6. Cleaning Out
7. Other (please specify)

▲ Please send a sketch to identify the tree(s) and the site
* See reverse for description of operations

- W1 MAPLE ADJACENT SITE
- MINOR REDUCTION TO 20%
- TRIM STUBS AND END OF
- WOOD FRONTS LMSG BEEN
- REMOVE MAPLE LEFT OF
- DRIVE FEEL
- TT

Handwritten signature: Maureen Whittle
Handwritten signature: R. B. [unclear]

State the reasons for the work proposed

ed Maureen Whittle Date 12TH - 02 - 04

Explanation of Terms

removal of selected branches

The severing of specific branches in order to clear an obstruction or the removal of dead, diseased or damaged branches. Branches should be cut back to the branch collar at the nearest growing point producing as small a wound as possible.

1. crown reduction (fig 1)

The reduction of the overall dimensions of the tree by shortening branches back to a growing point whilst retaining the natural shape of the tree.

2. crown lifting (fig 2)

The removal of the lowest branches or parts of branches, to a specified height above ground.

3. crown thinning (fig 3)

The removal of a specified proportion of small, secondary branches throughout the crown to reduce the overall density of foliage.

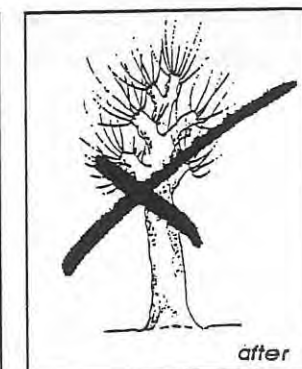
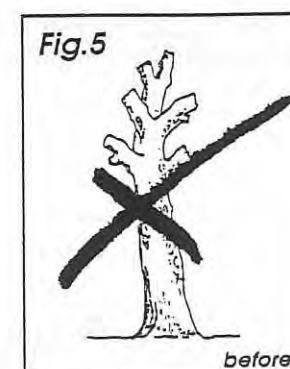
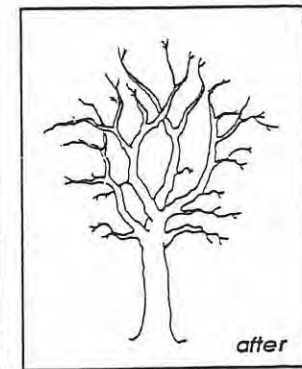
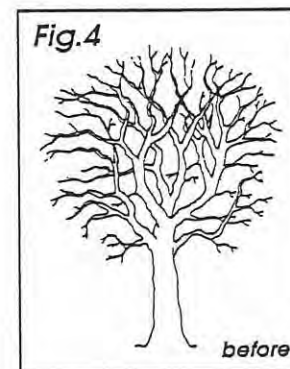
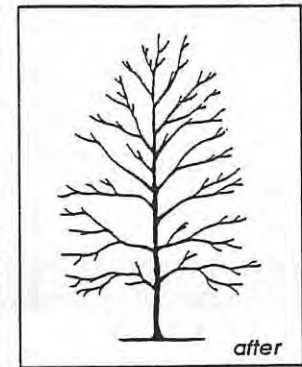
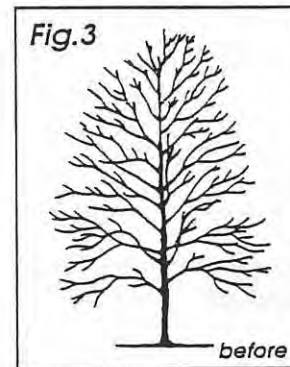
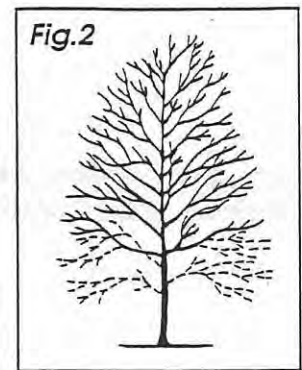
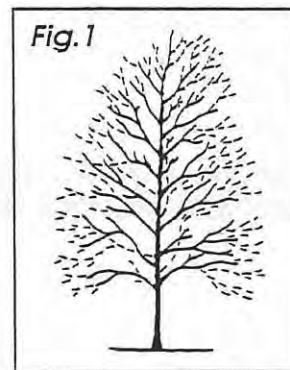
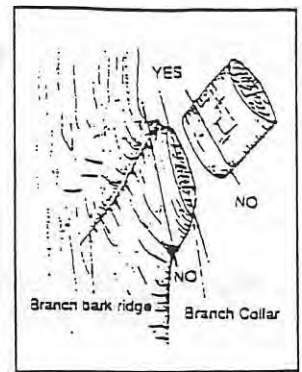
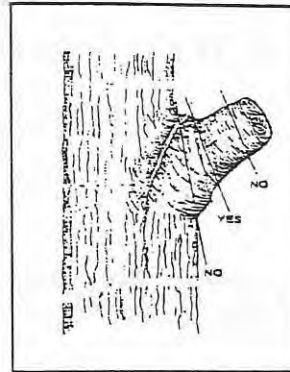
4. cleaning out (fig 4)

The removal of dead, diseased, damaged or decaying branches, and the stumps of broken branches.

5. pollarding (fig 5)

Example of lopping - totally unacceptable practice, detrimental to tree health and visually unsightly.

N.B. All work to be carried out in accordance with B.S. 3998 (1989)
- failure to complete this form in necessary detail
and supply a clear plan may delay your application.





Tree Enquiries

11/2/04

Number : 1286

NAME : MRS M Whittle

ADDRESS : 2 Woodland Ave
Lymm

TEL NO : 755095

SPECIES (IF KNOWN) : _____

LOCATION OF TREE(S) : _____

QUERY / COMPLAINT : SITE VISIT

Thursday 12th February 04 @
3.45pm.

TPO TITLE : Higher Lane, Lymm NO3

CONFIRMATION DATE : 13/2/02.

TPO NO. AND TREE(S) REF : TPO 366

CC CONSERVATION AREA CONFIRMED : _____

INVOLVEMENT WITH CURRENT PLANNING APPLICATION : _____

SITE NOTES : _____

REPLACEMENT : _____

SPECIES / SIZE : _____

OWNERS CONSENT REQUIRED



WOODLAND AVENUE

Arley Grove

HIGHER LANE

oak, Beech & Ash, Chestnut & Sycamore.

T1 S4C
T2 Line
T3 Line
T4 Line

★

The Couch House

El Sub Sta

Mr R Hannam
117 Higher Lane
Lymm
Warrington
WA13 0BU



Date: 1st October 2001
Our ref: DTS/GH/RG/TPO366/T4
Please ask for: Mr Haslam, Tel. (01925) 442713

Environment and
Regeneration Department
New Town House
Buttermarket Street
Warrington
WA1 2NH

Dear Mr Hannam

TREE PRESERVATION ORDER No.366

WARRINGTON BOROUGH COUNCIL

117 HIGHER LANE, LYMM
(Confirmed: pending)

Notice of Decision

I refer to your application of 27th September 2001, under the above mentioned Tree Preservation Order for consent to carry out work to protected trees at 117 Higher, Lymm.

The Council have considered your application and have decided to grant **consent subject to conditions** for the following work:

<u>Tree No.</u>	<u>Species</u>	<u>Work Approved</u>
T4	Lime	Felling to ground level. No replacement required – insufficient growing room.

The following **conditions** apply to the consent:-

Condition 1 - The works hereby authorised shall be at least to the standard set out by British Standard 3998: 1989. Recommendations for tree work.

Reason - To ensure the works are carried out in an appropriate manner and in the interest of the health and visual amenity of the tree.

Director
A. Stephenson
BSc (Hons) Dip T.P.



INVESTOR IN PEOPLE



Chief Executive
Steven Broomhead M.A.

Cont'd

Tel: (01925) 444400
Fax: (01925) 442771

Condition 2 - The works hereby authorised shall be carried out within one year of the date of this consent notice.

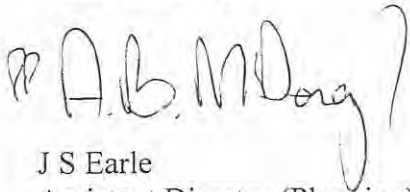
Reason - To avoid any confusion over unimplemented consent.

If you would like any further information about the Council's decision please contact Gordon Haslam on (01925) 442713.

Your right of appeal

If you are aggrieved by the Council's decision to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment. If you want to appeal, you must do so by writing to Government Office for the North West, Infrastructure and Planning Group, Sunley Tower, Piccadilly Plaza, Manchester, M1 4BE, Tel. (0161) 952 4000 within 28 days from the date you receive this decision. The Secretary of State has a discretion to allow a longer period.

Yours sincerely

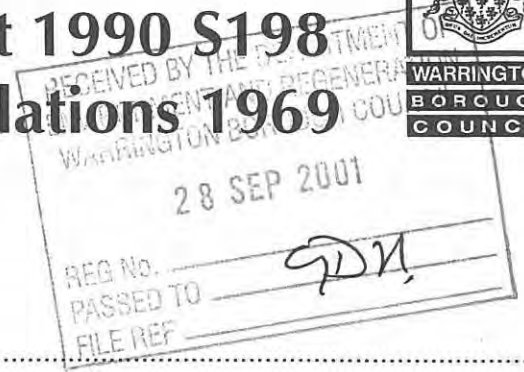


J S Earle
Assistant Director (Planning)



Town and Country Planning Act 1990 S198 (Tree Preservation Order) Regulations 1969

(as amended)



Application to carry out work on protected trees

Name of Applicant R. D. HANNAM
Address 117 HIGHER LANE
LYMM
CHESHIRE WA13 0BU Tel: 01925 752815

Details of tree(s) for which consent is required

NB. Each tree should be identified with a number

▲ Location of trees IMMEDIATELY TO LEFT OF DRIVEWAY TO ABOVE HOUSE

Species if known LIME

Tree Preservation Order Ref. (T1, G2 etc) T4

Details of work proposed

* Please indicate which of the following tree surgery operations you propose for each tree :
The tree identification number should correspond to the respective operation proposed

- 1. Removal of selected branches
- 2. Crown reduction or reshaping
- 3. Crown Lifting
- 4. Crown Thinning
- 5. Felling T4
- 6. Cleaning Out
- 7. Other (please specify)

▲ Please send a sketch to identify the tree(s) and the site
* See reverse for description of operations

State the reasons for the work proposed

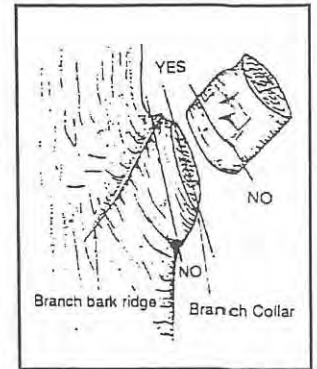
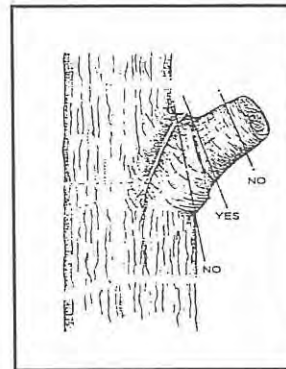
TREE CANOPY IS NOW A FEW FEET FROM THE FRONT WALL OF THE HOUSE.
UNFORTUNATELY IT IS NOW TOO LARGE FOR THE SPACE AVAILABLE IN THE GARDEN.
IT CUTS THE LIGHT FROM THE ROOMS ON THE LEFT HAND SIDE OF THE HOUSE
AND THE ELECTRIC LIGHT HAS TO BE ON DURING THE DAY.

Signed  Date 27th September 2001

Explanation of Terms

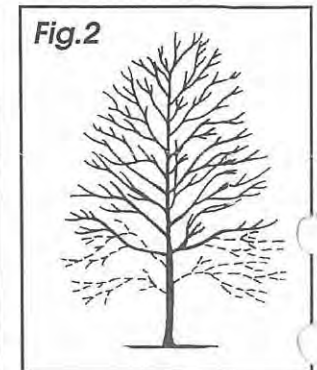
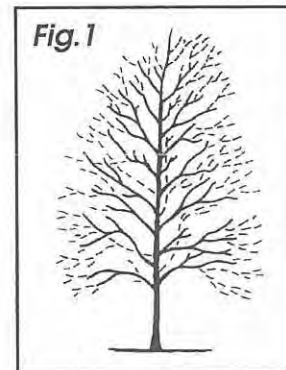
removal of selected branches

The severing of specific branches in order to clear an obstruction or the removal of dead, diseased or damaged branches. Branches should be cut back to the branch collar at the nearest growing point producing as small a wound as possible.



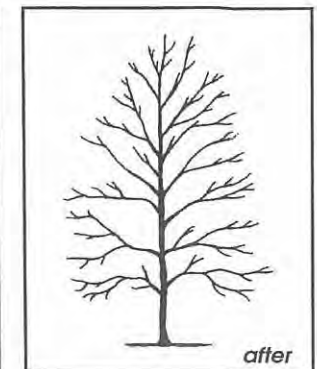
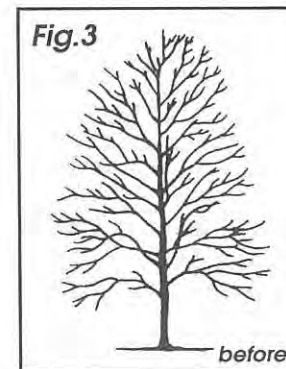
1. crown reduction (fig 1)

The reduction of the overall dimensions of the tree by shortening branches back to a growing point whilst retaining the natural shape of the tree.



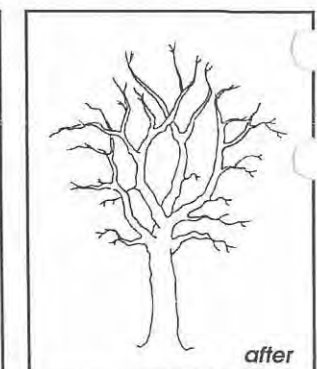
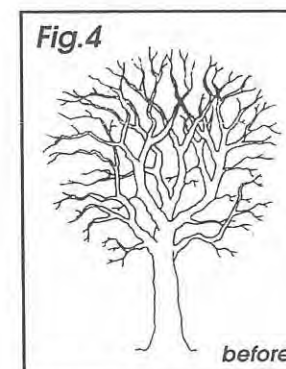
2. crown lifting (fig 2)

The removal of the lowest branches or parts of branches, to a specified height above ground.



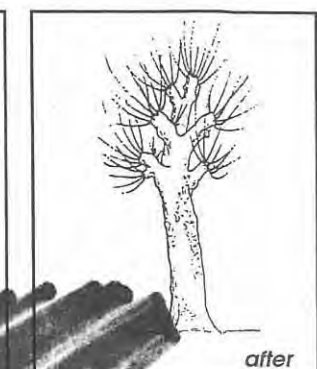
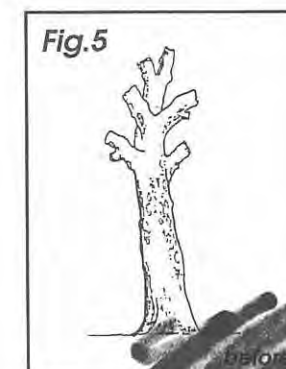
3. crown thinning (fig 3)

The removal of a specified proportion of small, secondary branches throughout the crown to reduce the overall density of foliage.



4. cleaning out (fig 4)

The removal of dead, diseased, damaged or decaying branches, and the stumps of broken branches.



5. pollarding (fig 5)

Example of lopping - totally unacceptable practice, detrimental to tree health and visually unsightly.

N.B. All work to be carried out in accordance with B.S. 3998 (1989) - failure to complete this form in necessary detail and supply a clear plan may delay your application.

Sitz: edged yellow

Tras: brown in black circle (T4)





Town and Country Planning Act 1990 S198 (Tree Preservation Order) Regulations 1969 (as amended)

Application to carry out work on protected trees

Name of Applicant R. D. HANNAM
Address 117 HIGHER LANE
..... LYM M
..... CHESHIRE WA13 0BU Tel : 01925 752815

Details of tree(s) for which consent is required

NB. Each tree should be identified with a number

▲ Location of trees IMMEDIATELY TO LEFT OF DRIVEWAY TO ABOVE HOUSE

Species if known LIME

Tree Preservation Order Ref. (T1, G2 etc) T4

Details of work proposed

* Please indicate which of the following tree surgery operations you propose for each tree :
The tree identification number should correspond to the respective operation proposed

- 1. Removal of selected branches
- 2. Crown reduction or reshaping
- 3. Crown Lifting
- 4. Crown Thinning
- 5. Felling T4
- 6. Cleaning Out
- 7. Other (please specify)

▲ Please send a sketch to identify the tree(s) and the site

* See reverse for description of operations

State the reasons for the work proposed

TREE CANOPY IS NOW A FEW FEET FROM THE FRONT
WALL OF THE HOUSE. UNFORTUNATELY IT IS NOW TOO LARGE
A TREE FOR THE SPACE AVAILABLE IN THE GARDEN. IT
CUTS THE LIGHT FROM THE ROOMS ON THE LEFT HAND SIDE OF THE
HOUSE AND THE ELECTRIC LIGHT HAS TO BE ON DURING THE DAY.

Signed  Date 27th September 2001

Explanation of Terms

removal of selected branches

The severing of specific branches in order to clear an obstruction or the removal of dead, diseased or damaged branches. Branches should be cut back to the branch collar at the nearest growing point producing as small a wound as possible.

1. crown reduction (fig 1)

The reduction of the overall dimensions of the tree by shortening branches back to a growing point whilst retaining the natural shape of the tree.

2. crown lifting (fig 2)

The removal of the lowest branches or parts of branches, to a specified height above ground.

3. crown thinning (fig 3)

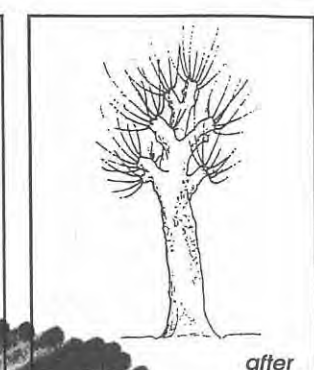
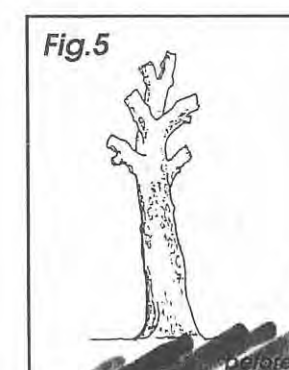
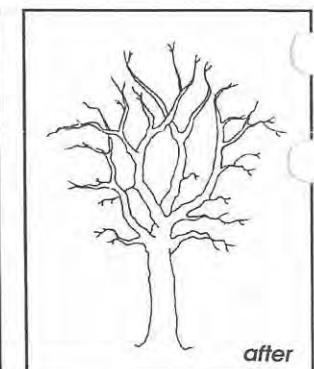
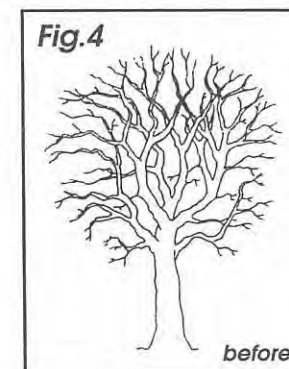
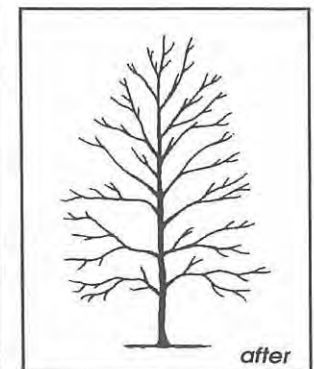
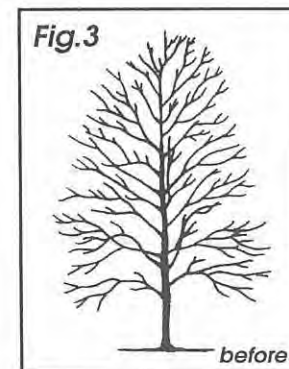
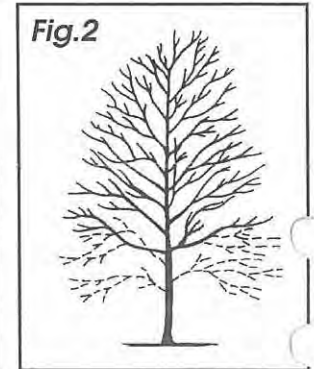
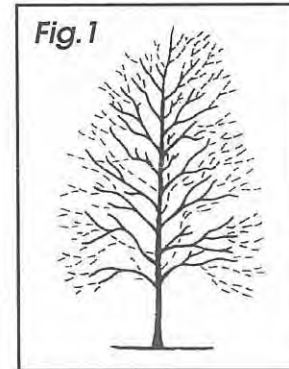
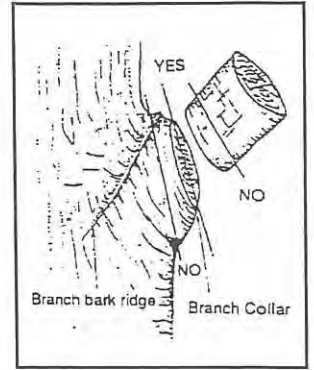
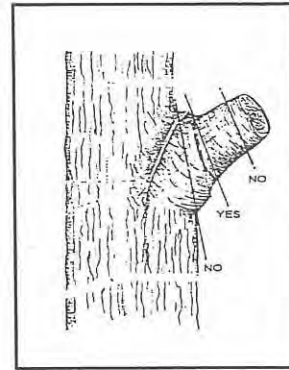
The removal of a specified proportion of small, secondary branches throughout the crown to reduce the overall density of foliage.

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The removal of dead, diseased, damaged or decaying branches, and the stumps of broken branches.

5. pollarding (fig 5)

Example of lopping - totally unacceptable practice, detrimental to tree health and visually unsightly.



N.B. All work to be carried out in accordance with B.S. 3998 (1989) - failure to complete this form in necessary detail and supply a clear plan may delay your application.

Sin: edged yellow
Tree: brown in black circle (T4)



Environment & Regeneration Department

Internal Memorandum



TO: Richard Evans
Principal Planner

FROM: Gordon Haslam
Arboricultural Officer

EXT.: 2713

DATE: 19 November 2003
DTS/GH/AMcC/TPO145,

YOUR REF:

OUR REF: 366 & 405

SUBJECT: TREE SURVEY, LONGBUTT LANE, LYMM

I refer to the tree survey by James Blake Associates, in support of the above development and I forward for your information details of my observations.

The site is subject to three Preservation Orders and not two as suggested in the Tree Survey from James Blake Associates (see attached copy map of the site which shows the trees and the associated TPO reference number, for your assistance).

TPO 405 is the most recent TPO which was served late 2002 following a Site Visit by myself to determine the trees within the site worthy of protection.

Returning back to the survey and the site layout of the housing, I would make the following comments regarding the TPO'd trees starting with:-

T9 Oak

Large mature Oak with large spreading crown, the drawing shows the property to be 8 metres from the tree given the size of the tree and the orientation of the property. The property will be seriously shaded from midday till sunset and if the house is allowed so close, the occupier is bound to be continually requesting the tree is either felled or pruned to allow in more light to the house and garden. From previous history in such cases and particularly in appeal decisions, the proximity of trees again recently built properties is always raised and from experience the appellant wins as the DOE Officers view is that the Planning Authority should not have permitted the development so close to the trees.

T10 Acer

No objection to the suggested crown lifting but again I consider the position of this tree and the adjacent tree T9 further compounds the problem with light levels.

T11 Acer

Shown 8 metres from the tree, the tree in reality has a 10 metre spread and the crown lifting as suggested would result in large wounds being created as the branches in question are quite significant and would be contrary to good practice.

Contd.

2.

T12 Oak Nut

TPO'd situated between Tree 11 and Tree 13, poor quality specimen of no importance.

T13 and T14 Oaks

Already have a 10 metre spread and as such their branches will be obstructing the roofs of the properties if permitted not to mention light level problems.

T15 and T17 Acer and Oak

Ok and does not appear to be affected by the properties.

T21 Ash

Two fully mature trees subject to TPO 366 outside the development.

Claims of Possible Decay

These claims would have to be substantiated by a full climbing inspection, however, permission of the owner would be required as they are outside the development.

Trees T38-T36 Oak

Subject to TPO 145 are close to the proposed houses but I do not consider their proximity to the tree is an issue in regard to available light to properties unlike the other side of the development to the rear of Woodland Avenue.

The necessity to hand dig under the crown spread has been recognised and assuming that minimum excavation and hand digging under the crown spread of these trees is adhered to no serious damage should occur.

To Summarise

My main concerns regarding this development is the proximity of the properties in regard to the TPO protected trees situated on the boundary gardens on Woodland Avenue. My fears are even greatly compounded that it is shown that the properties are shown to have conservatories, which given the orientation of the properties and the natural movement of the sun is a recipe for confrontation.

It is my considered opinion that if these important amenity trees are to be retained, a greater distance from them will be required 12-14 metres minimum.

I trust I have adequately addressed my concerns in regards to the TPO protected trees within the site.

.....
GORDON HASLAM
Arboricultural Officer

Enc.



TPO 405

TPO 366

TPO 145

The Lakes
Northampton
NN4 7SH
DX 712280 Northampton 12

T 08700 863000
F 08700 863001

john.peet@shoosmiths.co.uk
T 08700 863547

Delivered: by post

D T Stamp Esq
Head of Landscape Services
Warrington Borough Council Environment & Regeneration Department
Newtown House Buttermarket Street
Warrington WA1 2NH

Our Ref JHP ALS 063311.24
Date 30 May 2003

Dear Sir

TREE PRESERVATION ORDER NUMBERS 145 366 AND 405

We attach a cheque in the sum of £30 for your copying fees in relation to the above Tree Preservation Orders.

Yours faithfully



Shoosmiths

401308
£30 (€10)
each)
2.6.03



Mr Russell
2 Gatley Close
Thelwall
Warrington

Our ref: DTS/GH/RG/TPO366/T5
Date: 18th March 2003

Dear Mr Russell

**REQUEST TO FELL A ROBINIA TREE SUBJECT TO A TREE
PRESERVATION ORDER – 121 HIGHER LANE, LYMM**

Attached is the required application form, which I have completed on your behalf and now simply requires only your signature.

On receipt back at this office a consent to fell form will be issued, this nullifies the Order and you are then legally entitled to remove the tree.

Yours sincerely

Gordon Haslam
Arboricultural Officer

Encl;

Please Contact: Gordon Haslam
Direct Dial: 01925 442713
Fax: 01925 442771
E-Mail Address: ghaslam@warrington.gov.uk

Mr Russell
2 Gatley Close
Thelwall
Warrington

Our Ref: DTS/GH/RG/TPO366-T5
Date: 25th March 2003

Dear Mr Russell

TREE PRESERVATION ORDER No.366

WARRINGTON BOROUGH COUNCIL

HIGHER LANE, TPO No.3
(Confirmed: 20.09.2001)

Notice of Decision

I refer to your application of 21st March 2003 under the above mentioned Tree Preservation Order for consent to carry out work to protected trees at 121 Higher Lane, Lymm.

The Council have considered your application and have decided to grant **consent subject to conditions** for the following work:-

<u>Tree No.</u>	<u>Species</u>	<u>Work Approved</u>
T5	Robinia	Felling – The tree is dying.

The following **conditions** apply to the consent:-

- Condition 1 - The works hereby authorised shall be at least to the standard set out by British Standard 3998 : 1989. Recommendations for tree work.
- Reason - To ensure the works are carried out in an appropriate manner and in the interest of the health and visual amenity of the tree.

Cont'd

Please Contact: Gordon Haslam
Direct Dial: 01925 442713
Fax: 01925 442771
E-Mail Address: ghaslam@warrington.gov.uk

Condition 2 - The works hereby authorised shall be carried out within one year of the date of this consent notice.

Reason - To avoid any confusion over unimplemented consents.

Condition 3 - Replacement trees shall be planted in the locations specified and as detailed below. The trees shall comply with BS 3936 Nursery Stock Part 1 1992 Specifications for Trees and Shrubs and shall be planted in accordance with BS 4428 : 1989 Code of Practice for General Landscape Operations. The planting must be completed by 31st January of the winter of the year following felling.

Reason - To ensure continuity of tree cover in the interest of visual amenity.

The plant shall consist of:

<u>No.</u>	<u>Species</u>	<u>Size</u>	<u>Height</u>
1	English Oak	6-8cm stem	2.5 metres

If you would like any further information about the Council's decision please contact Gordon Haslam on 01925 442713.

Your right of appeal

If you are aggrieved by the Council's decision to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment. If you want to appeal, you must do so by writing to Government Office for the North West, Infrastructure and Planning Group, Sunley Tower, Piccadilly Plaza, Manchester, M1 4BE. Telephone number 0161 952 4000 within 28 days from the date you receive this decision. The Secretary of State has a discretion to allow a longer period.

Yours sincerely



J S Earle
Assistant Director – Planning



Town and Country Planning Act 1990 S198 (Tree Preservation Order) Regulations 1969

(as amended)

RECEIVED FOR DEPARTMENT OF ENVIRONMENT AND REGENERATION
WARRINGTON BOROUGH COUNCIL

21 MAR 2003

REG No. _____
PASSED TO _____
FILE NO. _____

GDH

94863

Application to carry out work on protected trees

Name of Applicant

Address

Tel :

Details of tree(s) for which consent is required

NB. Each tree should be identified with a number

Location of trees GARDEN OF 121 HIGHER CANGE

Species if known..... ROBINIA

Tree Preservation Order Ref. (T1, T2 etc) 366 TS

Details of work proposed

* Please indicate which of the following tree surgery operations you propose for each tree. The tree identification number should correspond to the respective operation proposed

- 1. Removal of selected branches
- 2. Crown reduction or reshaping
- 3. Crown Lifting
- 4. Crown Thinning
- 5. Felling The tree is in decline
- 6. Cleaning Out
- 7. Other (please specify)

▲ Please send a sketch to identify the tree(s) and the site
See reverse for description of operations

State the reasons for the work proposed

THE TREES LOCATED IS IN DECLINE AND APPEARS TO BE DYING

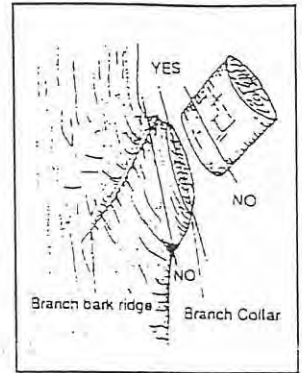
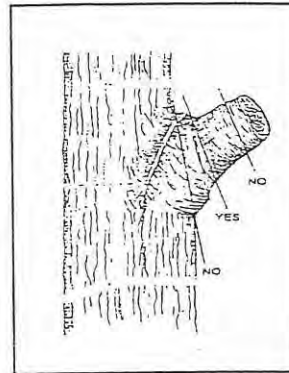
[Redacted signature]

Date 20/3/03

Explanation of Terms

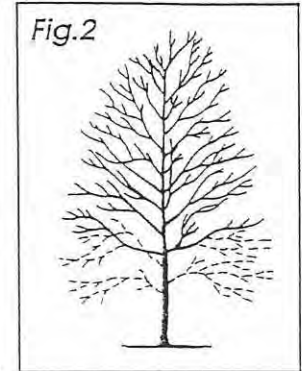
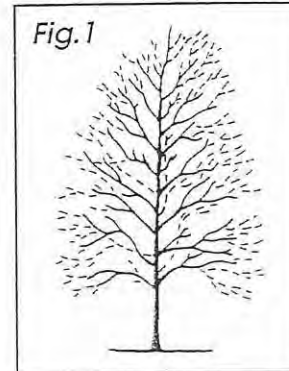
removal of selected branches

The severing of specific branches in order to clear an obstruction or the removal of dead, diseased or damaged branches. Branches should be cut back to the branch collar at the nearest growing point producing as small a wound as possible.



1. crown reduction (fig 1)

The reduction of the overall dimensions of the tree by shortening branches back to a growing point whilst retaining the natural shape of the tree.

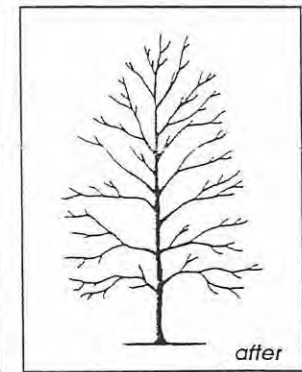
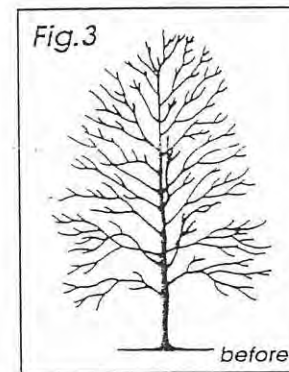


2. crown lifting (fig 2)

The removal of the lowest branches or parts of branches, to a specified height above ground.

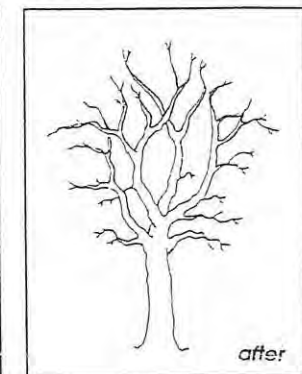
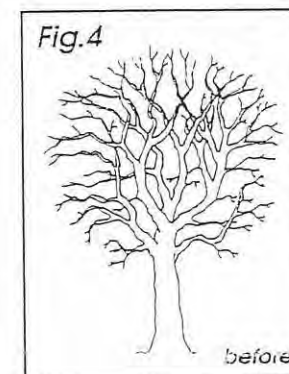
3. crown thinning (fig 3)

The removal of a specified proportion of small, secondary branches throughout the crown to reduce the overall density of foliage.



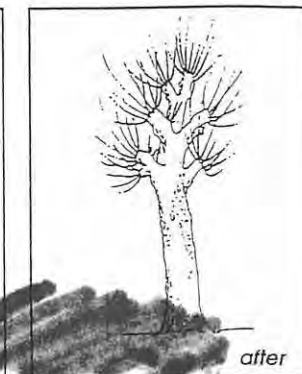
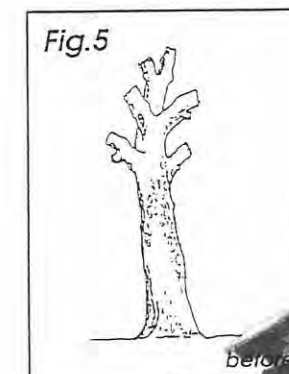
4. cleaning out (fig 4)

The removal of dead, diseased, damaged or decaying branches, and the stumps of broken branches.



5. pollarding (fig 5)

Example of lopping - totally unacceptable practice, detrimental to tree health and visually unsightly.



N.B. All work to be carried out in accordance with B.S. 3998 (1989) - failure to complete this form in necessary detail and supply a clear plan may delay your application.

Mr Russell
121 Higher Lane
Lymm
Warrington

Our ref: *DTS/GH/RG/TPO366/T5*
Date: *20th February 2003*

Dear Mr Russell

***REQUEST TO FELL A ROBINIA TREE SUBJECT TO A TREE
PRESERVATION ORDER – 121 HIGHER LANE, LYMM***

Attached is the required application form, which I have completed on your behalf and now simply requires only your signature.

On receipt back at this office a consent to fell form will be issued, this nullifies the Order and you are then legally entitled to remove the tree.

Yours sincerely

Gordon Haslam
Arboricultural Officer

Encl;

Please Contact: *Gordon Haslam*
Direct Dial: *01925 442713*
Fax: *01925 442771*
E-Mail Address: *ghaslam@warrington.gov.uk*

Mr Russell
3 Statham Avenue
Lymm
Warrington WA13 9NJ

Our ref: DTS/GH/RG/TPO366-T5
Date: 18th June 2002

Dear Mr Russell

***ROBINIA TREE SUBJECT TO A TREE PRESERVATION ORDER –
121 HIGHER LANE, LYMM***

Further to your telephone call regarding your concern over the above, I have visited the property and would agree the tree does not appear to be in good health. However, given that the root plate is not unstable I am going to give the tree a stay of executive until next year and see whether the tree will recover.

Thank you for bringing this to my attention.

Yours sincerely

***Gordon Haslam
Arboricultural Officer***

Please Contact: Gordon Haslam
Direct Dial: 01925 442713
Fax: 01925 442771
E-Mail Address: ghaslam@warrington.gov.uk



Tree Enquiries

Number : 576

NAME : Mr Russell

ADDRESS (SITE) 121 Higher Lane, Lymm

(WRITE TO) 3 STATHAM AVENUE, LYMM, WA13 9NJ

TEL NO : /

SPECIES (IF KNOWN) : Robinia

LOCATION OF TREE(S) : on site

QUERY / COMPLAINT : Inspect condition of Robinia.

[Handwritten signature]

TPO TITLE :

CONFIRMATION DATE :

TPO NO. AND TREE(S) REF :

CONSERVATION AREA CONFIRMED :

INVOLVEMENT WITH CURRENT PLANNING APPLICATION :

SITE NOTES :

REPLACEMENT :

SPECIES / SIZE :

OWNERS CONSENT REQUIRED

Enquiry Sheet 009850 General Enquiry	<i>Target</i> June 24, 2002 <i>Monday</i>	Received 10/06/02 Raised 10/06/02
Status : Current A-Enquiry Tree Enquiry	<i>Enquiry Officer/Section/Manager</i> Gordon Haslam Tree Enquiry	
Site : Others Misc : A1 South		
Enquirer : Member Of The Public via Phone Call		<i>Turnaround Analysis</i>
Mr Russell 121 Higher Lane Lymm Warrington		As at 10 jun 02 Full Days 0 Workdays 0
Notes : Assigned a Priority to be handled within 10 day(s).		
Inspect condition of Robinia at the above site and then write to him at 3 STATHAM AVENUE, LYMM, WARRINGTON WA13 9NJ		
Officer :	<i>Gordon Haslam</i>	Date Cleared

Environment & Regeneration Department

Internal Memorandum



To: Howard Norris
Solicitor of the Council
Chief Executive's Department
CC – Searches, Dev Control

From: D T Stamp
Head of Landscape Services

Date: 17th September 2001

Ref: DTS/GH/DF/TPO 366.....


THE WBC (The Higher Lane, Lymm No.3)
Tree Preservation Order 2001

I refer to your memorandum dated 20th September 2001 (ref RMB/LH/2/12/29/01) concerning the above.

Objections have been received by the Environment & Regeneration Department and brought to the attention of the 13th February 2002 Development Control Committee.

Committee supported the need for the T.P.O without modification and therefore request that the confirmation date for the order be 13th February 2002

Please find enclosed a copy of the minutes for your information.


.....

D T Stamp
HEAD OF LANDSCAPE SERVICES

P 194 Tree Preservation Order – Higher Lane, Lymm

The Committee considered a report of the Director of Environment and Regeneration regarding objections received in respect of a Tree Preservation Order at Higher Lane, Lymm – Phase 3. It was noted that this TPO was served on 20 September 2001 and an objection had been received in respect of a Robinia Tree (T5). The Committee noted that officers considered the tree to be of good shape and form, free from obvious defects and the only tree considered worthy of protection between the three properties, i.e. 121-127 Higher Lane. Correspondence between the Council's Arboricultural Officer and the objectors had been unsuccessful and the situation was now at an impasse:

Resolved,

- That (1) the report be noted;
- (2) the need for the Order be supported; and
- (3) the Order be confirmed without modification.

P 195 Results of Appeals

The Committee noted the following results of appeals:

Application A00/42453 – 76 Coldstream Close, Cinnamon Brow – proposed two storey extension to the rear of dwelling with internal alterations – refused – allowed with conditions; and

Application A01/42998 – Orford Green Service Station, 15 Orford Green, Warrington – proposed redevelopment of existing Service Station with replacement sales building and forecourt modifications – refused – dismissed.

RECEIVED
63346

WARRINGTON COUNCIL
29/11/01
C.M.

Mr G Haslem
Arboricultural Officer
Environment & Regeneration Dept
New Town House
Buttermarket St
Warrington
WA1 2NH

Your Ref: DTS/GH/RG/TPO366/T5
Date: 12th Nov 2001

Dear Mr Haslem

I thank you for your letter dated 6th Nov 2001. However I regret to say that you have not satisfied my concerns and hence I wish to restate that I still object to the inclusion of T5 Robinia in the garden of 121 Higher Lane

With regards to your reply

Point 1 in my letter of the 11th Oct was intended to challenge your basic reasons for the inclusion of this particular tree in the Order. Your reply has treated this point with regards council ownership, which is immaterial in this case. I will attempt to restate my objection clearly.

Between the eastern gate to no 119 and the gate to 127 there are 16 trees growing at the roadside edge of the gardens. Every one of these is growing in private land and hence could have been subject to the order. Non of them have been included despite each one of them having a much more significant impact on the amenity of Higher Lane than T5 due to position.

The inclusion of T5 does not comply with Warrington Council Policies for Tree Protection, which state that the system will be used "to protect valuable trees that are under threat", and "in particular to prevent loss of ancient woodland". This tree is not under threat and is less than 20 years old. Hence T5 should not have a TPO.

The inclusion of T5 does not copy with the DETR Tree Preservation Orders Guide to the Law and Good Practice. This guide states "that a tree should only be protected if its removal would have a significant impact on the environment and its enjoyment by the public". It then gives guidance about what this means in terms of visibility and impact. It again states "the mere fact that a tree is visible will not be sufficient to warrant a TPO" and that "if the tree is barely visible from a public place then a TPO would only be justified in exceptional circumstances"

As this tree is in a garden behind many other roadside trees which you have not deemed necessary to protect then it cannot have a significant impact as defined above. Therefore only exceptional circumstances should lead to its protection. I do not believe there are any exceptional circumstances and hence it should not be included in this order.

With regards to the tree itself I have again inspected it and there are still signs of fungal growths on the lower trunk and ground. What I had not appreciated before is the extent of rot and insect attack in the lower portion of the trunk with sections of bark falling off. With regards soil suitability you are right in saying that Robinia is best in dry soils. What you failed to state is that all the literature agrees that it is not suitable for heavy soils and in this part of Higher Lane, solid clay starts about 300mm below the surface. Hence my original contention that the trees is not healthy and this is probably related to its unsuitability to the soil conditions.

With regards size and suitability you say the tree will not grow large, in relation to a Giant Redwood this may true however the RHS Encyclopaedia of Plants gives the height as 15m or twice the height of the houses it is planted 4m from. With a root spread of 1 to 1.5 times it height there is no doubt that the roots will affect house foundations. This is a rapidly growing tree that should not be allowed to grow to maturity in a small front garden. The RHS also confirms that it has brittle branches.

Robinia is basically a forest tree. I did not state that it originated in Eastern Europe but that it is a major forest tree within Eastern Europe. In fact globally it is the second most widely planted forest tree (Boring and Swank 1984). It has been planted to such an extent that it has become a major topic in concerns about ecological threats to native biological diversity (A.E. Sabo 2000). Its suckering habit has led it to be classified as a weed species in much of North America by the Alien Plant Working Group of the American Nature Conservancy. It has ruined many native forests in Germany, Poland, and Hungary and in parts of Switzerland and Northern Italy it has swamped whole valleys that used to be principally Horse Chestnut. (A.E Sabo 2000). Major research and expenditure is now being put into preventing its spread. Moreover it is classified as a poisonous species by a number of University toxicology departments.

In summary it appears that you are wanting to apply a TPO in a small front garden to a toxic, forest tree that is planted in an unsuitable soil in and unsuitable position with regards local property. In doing so you are ignoring many other more prominent trees in the very close vicinity. You are doing this in variance to your own authorities stated policies and in variance to the DETR guidelines. You have not yet explained in the structured and consistent way that the DETR says that you should, why this tree in particular should be protected. It can only be assumed that you have done this out of some personal preference when in fact you should be following the stated guidelines. I would still ask that you remove T5 from the order.

Yours sincerely



Mr & Mrs P.W.Manville



TREE CHECK LTD

252 LEYLAND LANE
LEYLAND
LANCS
PR25 1XL
TEL 01772 621435
FAX 01772 621462
E mail: treecheck@aol.com



Professional Indemnity
Insurance Policy Holder

Dear Tree Work Supervisor

CLIMBING EQUIPMENT SAFETY

We are now able to offer Climbers, Tree Care Companies and Local Authority Tree Work Departments, a **Climbing Equipment Inspection Service** to the standard required by Lifting Operations and Lifting Equipment Regulations 1998 (LOLER).

It is a recommendation of the HSE that all PPE should be checked to ensure that all lifting equipment, such as ropes, harnesses and carabiners are safe and appropriate for use. An inspection, by a competent person, is recommended every 6 months, with the user inspecting gear prior to daily use.

Paul Scott, a working Senior Tree Care Supervisor with over 10 years practical experience has now qualified as a Person Competent to offer this service.

Paul would inspect, mark or tag all gear and recommend any replacement or repair. He would also be able to recommend systems of recording the history of each piece of kit in between formal inspections. While Paul might recommend taking equipment out of service, he would not be empowered to impound equipment unless specifically so permitted by the client.

The cost of inspection will depend on the number of climbers' kits to be covered (A bag of kit would normally include, rope, harness, strops, carabiners and mechanical attachments) but would be in the region of £52 plus VAT per Kit. There will be a small discount if gear is brought to Paul's Leyland Office. Inspection, usually takes about an hour.

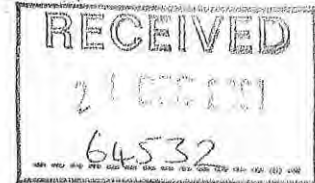
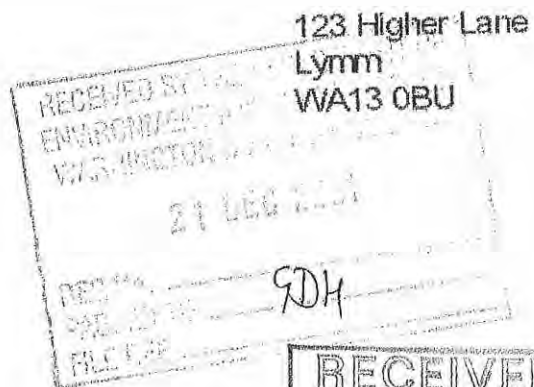
If you would like more information or wish to arrange for a site visit, please contact Paul on Tel. 01772 601418.

Yours sincerely

fox
KEN LINFORD

Mr G Haslem
Arboricultural Officer
Environmental & Regeneration Dept
New Town House
Buttermarket St
Warrington
WA1 2NH

Your Ref DTS/GH/RG/TPO366
Date 16th Dec 2001



Dear Mr Haslem

I thank you for your letter dated 5th Dec 2001. However your reply has done nothing to reduce my objection to having T5 included in the Higher Lane TPO. If anything it has strengthened my objection.

You state that the reason for not including any of the 16 existing trees is because they are basically ornamental. Yet you have decided that an ornamental variety of Robinia that was planted for ornamental reasons until it outgrew its location should be protected without any regard to the affect on the adjacent properties. I do not accept this as a justifiable reason and this apparently personal decision does not comply your own councils stated policy for TPO's or the DETR Guidelines on a number of points.

The tree is not healthy and is not suitable for the heavy clay soil into which it is planted. As you continually state it is a tree for light dry soils.

With regards size you persist in using very general terms. What is factual is that if this tree is allowed to develop to maturity will be about twice the height of the two houses is planted 4m from. It is this total disregard for the impact on the properties that is the prime reason for my objection.

You say the reasons for the inclusion of this tree is the lack of suitable trees in the area. I do not accept this, as there are many many other trees in the immediate area that are not included in the order. All these trees add to the rural character of this part of Lymm, which is the stated aim of the order.

If you believe there are a lack of trees then why have you not come forward with any positive proposals for planting on the land that you own, i.e. the roadside verge. Particularly as nothing has been done to replace the tree that was felled outside No 127 only a few years ago. Road safety can not be an issue as you have included T7 in the order.

As this correspondence is leading nowhere I have taken advice and have concluded that I am not going to accept the inclusion of T5 until all avenues have been closed.

However before both my and ratepayers money is wasted on lawyers I would suggest that if the tree is removed from the order then I would be willing to buy a number of trees of whatever varieties you wish. You can then plant them on the roadside verge and have total control on their future development. Trees planted in these locations will have a much greater impact on the rural nature of Higher Lane than T5, without having the detrimental affects on the properties.

I look forward to your positive response.

Yours Sincerely

A handwritten signature in black ink, appearing to read "PW & SC Manville", written over a horizontal line.

PW & SC Manville

Mr Manville
123 Higher Lane
Lymm
Warrington
WA13 0BU

Our Ref: DTS/GH/RG/TPO366
Date: 5th December 2001

Dear Mr Manville

**OBJECTIONS TO RECENTLY SERVED TREE PRESERVATION ORDER –
HIGHER LANE, LYMM**

I refer to your most recent letter of objection regarding the above and I will attempt to address the points you have raised:

1) Trees between 119 – 127 Higher Lane in Private Gardens

The trees which you make reference to are either ornamental conifers or ornamental species with only limited life expectancy and not normally trees which would be considered suitable for a T.P.O.

2) Warrington Borough Council Policy for Tree Protection

The tree as you rightly state is only young, but its my considered opinion that it has the potential to be of major importance in ensuring the attractive, well treed vista on Higher Lane is maintained for future years.

3) DETR Guide to Law and Good Practice

The inclusion of T5 has been decided for two reasons:

- a) The scarcity of any other suitable trees on the road frontage between 119 – 127 Higher Lane;
- b) The tree T5 although small has the potential for long-term retention and although small at present will mature with the passage of time.

DETR guidelines state that trees may be considered for Tree Preservation Order for the following reasons:

- a) Development pressure;
- b) Changes in property ownership;
- c) Amenity value present on future;
- d) Visibility from a public place.

Cont'd

Please Contact: Gordon Haslam
Direct Dial: 01925 442713
Fax: 01925 442771
E-Mail Address: ghaslam@warrington.gov.uk

4) Tree Health and Soil Suitability

I must reiterate that I could not see any indication of decay on the tree stem as suggested when I visited.

In regard to your comment regarding soil suitability, The Hilliers Manual of Trees and Shrubs states that the tree species are all hardy and suitable for any ordinary soil types being especially useful in dry conditions and areas of pollution.

5) Height of Tree Species Suitability

This species of Robinia (*Robinia pseudoacacia frisia*) is classed as an outstanding small to medium sized tree and does not sucker as readily as other species of the Robinia family.

The comment you refer to that the trees suckering habit has led to the tree being classed as a weed species refers I think to the straight pseudoacacia and not this cultivar.

I trust this has adequately addressed the points you have raised and that you are now prepared to withdraw your objections.

Yours sincerely

Gordon Haslam
Arboricultural Officer

RECEIVED
15 NOV 2001
63346

Mr G Haslem
Arboricultural Officer
Environment & Regeneration Dept
New Town House
Buttermarket St
Warrington
WA1 2NH

RECEIVED BY THE DEPARTMENT OF
ENVIRONMENT AND REGENERATION
WARRINGTON BOROUGH COUNCIL
15 NOV 2001
REG No. _____
PASSED TO CM
FILE REF _____

Your Ref: DTS/GH/RG/TPO366/T5
Date: 12th Nov 2001

REPLY REQUIRED
BY: 29/11/01

Dear Mr Haslem

I thank you for your letter dated 6th Nov 2001. However I regret to say that you have not satisfied my concerns and hence I wish to restate that I still object to the inclusion of T5 Robinia in the garden of 121 Higher Lane

With regards to your reply

Point 1 in my letter of the 11th Oct was intended to challenge your basic reasons for the inclusion of this particular tree in the Order. Your reply has treated this point with regards council ownership, which is immaterial in this case. I will attempt to restate my objection clearly.

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The inclusion of T5 does not comply with Warrington Council Policies for Tree Protection, which state that the system will be used "to protect valuable trees that are under threat", and "in particular to prevent loss of ancient woodland". This tree is not under threat and is less than 20 years old. Hence T5 should not have a TPO.

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With regards size and suitability you say the tree will not grow large, in relation to a Giant Redwood this may be true however the RHS Encyclopaedia of Plants gives the height as 15m or twice the height of the houses it is planted 4m from. With a root spread of 1 to 1.5 times its height there is no doubt that the roots will affect house foundations. This is a rapidly growing tree that should not be allowed to grow to maturity in a small front garden. The RHS also confirms that it has brittle branches.

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In summary it appears that you are wanting to apply a TPO in a small front garden to a toxic, forest tree that is planted in an unsuitable soil in and unsuitable position with regards local property. In doing so you are ignoring many other more prominent trees in the very close vicinity. You are doing this in variance to your own authorities stated policies and in variance to the DETR guidelines. You have not yet explained in the structured and consistent way that the DETR says that you should, why this tree in particular should be protected. It can only be assumed that you have done this out of some personal preference when in fact you should be following the stated guidelines. I would still ask that you remove T5 from the order.

Yours sincerely

A large, dark, irregularly shaped redaction mark covering the signature area.

Mr & Mrs P. W. Manville

TPO 366



405 PALATINE ROAD NORTHENDEN MANCHESTER M22 4JS
Telephone 0161-998 9933
Fax 0161-946 1098
DX 29394 Northenden

BAW/MSW/Robinson/01N243

Ask for Mr. Watts
21 November 2001

Warrington Borough Council,
Environment and Regeneration Section,
New Town House,
Buttermarket Street,
Warrington WA1 2NH

F.A.O. LISA HOUGH

Dear Sirs,

121 Higher Lane, Lymm
Tree Preservation Order No.366 dated 20.9.2001

We refer to our telephone conversation today and enclose cheque £10.00 being the fee for a copy of the above order which we look forward to receiving as quickly as possible. Thanking you.

Yours faithfully,


SONS

Enc.

357752
£10.00
26.11.01.

Partners: John Wolfson Barry Watts
Associate Solicitors:
Heather Elliott Janet Laycock
Conveyancing Executive: Colin Nuttall



Also at Moss Side & Blackburn
Regulated by the Law Society in the conduct
of investment business



Wolfons Solicitors
405 Palatine Road
Northenden
Manchester
M22 4JS

Your Ref:

Our Ref: DTS/GH/RG/TPO366

Date: 22nd November 2001

Dear Sir/Madam

**TREE PRESERVATION ORDER AFFECTING 121 HIGHER LANE,
LYMM, No.3**

Enclosed as requested is a copy of the recently served Tree Preservation Order which is supplied at the standard charge of £10.

For your information the Council has received objection to the Preservation Order from the neighbouring property of 123 Higher Lane, objections to T5, the tree actually within the garden of 121 Higher Lane.

The Council is in correspondence with the objectors and hopefully will resolve this issue in the forthcoming weeks and the TPO will be confirmed including this tree.

Yours sincerely

Gordon Haslam
Arboricultural Officer

Encl;

Please Contact: Gordon Haslam
Direct Dial: 01925 442713
Fax: 01925 442771
E-Mail Address: ghaslam@warrington.gov.uk

Mr & Mrs Manville
123 Higher Lane
Lymm
Warrington
WA13 0BU

Your Ref:

Our Ref:

DTS/GH/RG/TPO366/T5

Date:

6th November 2001

Dear Mr & Mrs Manville

**OBJECTION TO TREE PRESERVATION ORDER:
123 HIGHER LANE, LYMM**

I refer to the above and will address your points of objection in the same format.

1) **Highway trees not subject TPO's**

No trees owned by the Council either on highways or parkland are subject to Tree Preservation Order. The reasoning behind this is the Council's Woodland Strategy promotes the retention and planting of trees within the Borough. Furthermore, as the Council is the body who initiates TPO's this would mean the Council would have to serve Orders on themselves which would be counter productive and a waste of public funding.

Location of the tree on the highway

It is considered that the tree is prominently located and is the only tree subject to protection between the properties 117 – 127 Higher Lane.

2) **Health of the tree**

Having inspected the tree only last week, I could see no visual signs of any detrimental fungal infestation affecting this tree, nor could I see any significant die back in the trees upper crown as you suggest?

3) **Origin of the species**

Brittle Branch Structure

I don't know how you substantiate this claim. Having studied our reference books no mention is made of this claimed weakness. The country of origin is not Eastern Europe, but the USA and North Mexico.

Cont'd

Please Contact: Gordon Haslam
Direct Dial: 01925 442713
Fax: 01925 442771
E-Mail Address: ghaslam@warrington.gov.uk

The tree species *Robinia pseudoacacia* "frisia" is described as an outstanding small to medium sized tree in the Hilliers Guide to trees (which is deemed to be one of the definitive reference books for trees).

Soil Suitability

Although the tree is renowned for its ability to tolerate dry sunny positions, the tree is claimed to be suitable for any ordinary soil types.

4) **Size of the tree**

This has already been addressed in the above paragraph

In regard to future growth of the tree although the tree has been made subject to a TPO this does not mean that the tree can't be pruned. Quite the contrary it simply allows the Council to control the percentage of pruning undertaken when work is requested.

5) **Telephone line obstruction**

As Statutory Authority the GPO have as you state the powers to prune off branches causing obstruction, but the company generally inform the Authority of their intent prior to undertaking any work as agreed in the NJUG (Nation Joint Utilities Group).

Quality of the trees for protection

Contrary to your views the Council does not consider the tree ugly, quite the contrary. Given the diversity of the leaf colour it is considered an attractive alternative to the more conventional leaf colour of trees which is not unattractive.

Future maintenance

You state the present owner is in hospital and therefore cannot comment in regards to the trees' protection status, but you consider it would not be dissimilar to your own. The Council's view would be the same, the tree is not a species which grows very large and as explained earlier just because the tree is subject to a TPO doesn't mean the tree cannot be pruned, therefore there is no justification not to include this tree within the Tree Preservation Order.

I trust I have adequately addressed the points you have raised in your letter of objection and would hope that you may now consider withdrawing them.

I will await your response.

Yours sincerely

Gordon Haslam
Arboricultural Officer

Chief Executive's Department Internal Memorandum



RECEIVED BY THE DEPARTMENT OF
ENVIRONMENT AND RESOURCES
WARRINGTON BOROUGH COUNCIL
23 OCT 2001
GDM (R)
REG No. _____
PASSED TO _____
FILE REF _____

To: Gordon Haslam
Arboricultural Officer
Landscape Services

From: Rosaleen Brown
Legal Services
Ext 2088

Date: 19 October 2001

Ref: RMB/LH/2/12/29/01

RE: HIGHER LANE, LYMM, NO 3 TREE PRESERVATION ORDER 2001

Attached please find correspondence received from Mr Manville in relation to the above Tree Preservation Order.

I would be grateful if you could investigate the matter and contact Mr Taylor direct.

Kind regards

Rosaleen

Rosaleen Brown
Trainee Solicitor

REPLY REQUIRED
BY: 6/11/01.

RECEIVED
23 OCT 2001
62447

11 October, 2001

123 Higher Lane
Lymm
Cheshire
WA13 0BU

H.M.Norris
Solicitor to the Council
Warrington Borough Council
Town Hall
Sankey St
Warrington
WA1 1UH



Dear H.M.Norris,

HIGHER LANE, LYMM, No3 Tree Preservation Order 2001.

In accordance with the instructions given in your communication about the above Order dated 20th Sept 2001 I wish to record our objection to the inclusion of the tree identified as T5, Robinia, within the garden of 121 Higher Lane, Lymm.

The reasons for our objections are as follows,

1. The DETR Guide says that the reasons for a preservation orders is "To protect trees which make a **significant impact** on their local surrounding". In your letter you stated that the reason for the order is because "the trees are **prominently located** adding to the rural character of this part of Lymm.

In the length of road between the eastern entrance to No119 and the entrance to No 127 there are 16 trees growing in the boundary between the road verge and the gardens. None of these trees are included in the order even though they all abut the road and can be seen by every passing person or vehicle.

The protected tree is set behind all the aforementioned trees and is within the garden of No 121, it can hardly be seen and will be hidden completely as the other trees grow.

Fundamentally it is **NOT prominently located** and **DOES NOT** make a **significant impact**. Hence it should not be included in this order.

2. Your letter also states that that another reason for the inclusion is that "the trees are healthy". I would question that the tree in question is healthy. It is a relatively young tree but already shows signs of die back in the upper branches and is supporting fungal growths around its base. These could well be the first signs of decay in a tree, which is known for its preference for a well drained soil being planted in a wet soil overlying heavy clay.
3. Robinia's are renowned for being a brittle tree, which are likely to lose branches even in light winds. They are an Eastern European Forest tree, not an ornamental tree for a very small garden. There should not even be planted without the safety of people and property being considered carefully and this tree in this location should not be protected.

October 11, 2001

4. It appears that of all the trees included in this order it is the one growing closest to buildings than any other. As stated previously this is still a young tree but already its branches are within 2.5m of the roof of both 121 and 121 Higher Lane. There is no doubt at all that within a very few years this tree will need to be pruned significantly to prevent it damaging both properties. Hence it is extremely poor practice to single out this tree out for preservation whilst ignoring many others.
5. The telephone cable serving number 123 Higher Lane is already affected by this tree as it already runs within the branches. The tree will need to be pruned significantly in the near future which I understand can be done by the communication provider without requiring any permissions. Knowing that this must happen makes it poor practice to single out this tree for preservation whilst ignoring many others.
6. This is an ugly tree. The majority of trees along Higher Lane are common native species, which after the first burst of bright green in the spring settle down to the pleasant green which typifies the English Landscape. This tree produces leaves, which are continually a sickly insipid shade of yellow. It always looks as if it is about to die. It is in no way a tree worthy of preservation for its amenity value. The person who proposed the preservation of this tree needs to attend a course of colour appreciation.

The above points set out our objections to the inclusion of this tree.

You may be aware that the owner of number 121 Mrs P Robinson is now living in a residential home. I doubt if you will have had a response from her. However I do know that her views were very similar to mine particularly with regards point 4 and 6 above. I know that she had already considered the felling of this tree and replacing with a smaller more attractive one and had she not been taken into hospital in March this year then I am sure it would have already happened.

Yours Sincerely



Mr & Mrs P.W.Manville

P.W.



70 T3
Status A

72 T4
Status A

Tpo No. 23
T70 Status A
Tpo No. 23 Status A
T71 Status A
T73 Status A
T75 Status A

Tpo No. 23
T76 Status A
Tpo No. 23
T77 Status H
Tpo No. 23
T78 Status A
T79 Status A
T80 Status H
T81 Status A
T82 Status H
T83 Status A
T84 Status H

Tpo No. 23
G4 Status A

Tpo No. 23
G5 Status A

Tpo 366
Status

Tpo No. 23
G6 Status A

Tpo 365
Status
Tpo 365
Status

Tpo 366
Status

Tpo No. 23
T84 Status H
Tpo No. 23
T85 Status H
Tpo No. 23
T86 Status H
Tpo No. 23
T87 Status H
Tpo No. 23
T88 Status H
Tpo No. 23
T89 Status H
Tpo No. 23
T90 Status H
Tpo No. 23
T91 Status H

Tpo No. 23
T92 Status A

Tpo No. 23
T93 Status H
Tpo No. 23
T94 Status H

Tpo 365
Status

Tpo No. 23
G7 Status A

Tpo 366
Status

Tpo No. 23
T95 Status A

Tpo 366
Status

Tpo No. 23
T96 Status A

25 T1
Status A

Tpo 366
Status

Tpo 366
Status

HIGHER LANE

WOODBLAND

55.5m

El Sub Sta

92

98

98

12

8

2a

2

123

127

133

26

76

201

11 October, 2001

123 Higher Lane
Lymm
Cheshire
WA13 0BU

H.M.Norris
Solicitor to the Council
Warrington Borough Council
Town Hall
Sankey St
Warrington
WA1 1UH



Dear H.M.Norris,

HIGHER LANE, LYMM, No3 Tree Preservation Order 2001.

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The reasons for our objections are as follows,

1. The DETR Guide says that the reasons for a preservation orders is "To protect trees which make a **significant impact** on their local surrounding". In your letter you stated that the reason for the order is because "the trees are **prominently located** adding to the rural character of this part of Lymm.

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October 11, 2001

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Sincerely



& Mrs P.W. Manville

Mr & Mrs Whittle
2 Woodland Avenue
Lymm
Warrington
WA13 0BJ

Date: 11th October 2001
Our ref: DTS/PB/RG/TPO366/T1/T2
Please ask for: Paul Bullimore, Tel. (01925) 442720



WARRINGTON
COUNCIL

Dear Mr & Mrs Whittle

TREE PRESERVATION ORDER No.366

WARRINGTON BOROUGH COUNCIL

HIGHER LANE, LYMM (No.3)

Notice of Decision

I refer to your application of 9th October 2001 under the above mentioned Tree Preservation Order for consent to carry out work to protected trees at 2 Higher Lane, Lymm.

The Council have considered your application and have decided to grant **consent subject to conditions** for the following work:-

<u>Tree No.</u>	<u>Species</u>	<u>Work Approved</u>
T1	Sycamore	Crown lift to 5.2m over road & 3m elsewhere. Clean out crown. Prune back on east side to clear roof line by 2.5m maximum. Prune back on west side to clear street light by maximum 1m.
T2	Lime	Crown lift to 2.5m. Crown thin 30%. Clean out crown.

The following **conditions** apply to the consent:-

- Condition 1 - The works hereby authorised shall be at least to the standard set out by British Standard 3998: 1989. Recommendations for tree work.
- Reason - To ensure the works are carried out in an appropriate manner and in the interest of the health and visual amenity of the tree.

Cont'd

Environment and
Regeneration Department
New Town House
Buttermarket Street
Warrington
WA1 2NH

Director
A. Stephenson
BSc (Hons) Dip T.P.



INVESTOR IN PEOPLE



Chief Executive
Steven Broomhead M.A.

Tel: (01925) 444400
Fax: (01925) 442771

Condition 2 - The works hereby authorised shall be carried out within one year of the date of this consent notice.

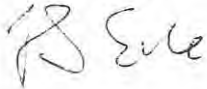
Reason - To avoid any confusion over unimplemented consent.

If you would like any further information about the Council's decision please contact Paul Bullimore on (01925) 442720.

Your right of appeal

If you are aggrieved by the Council's decision to grant consent subject to conditions, you can appeal to the Secretary of State for the Environment. If you want to appeal, you must do so by writing to Government Office for the North West, Infrastructure and Planning Group, Sunley Tower, Piccadilly Plaza, Manchester, M1 4BE, Tel. (0161) 952 4000 within 28 days from the date you receive this decision. The Secretary of State has a discretion to allow a longer period.

Yours sincerely



J S Earle
Assistant Director (Planning)