



Committee: APPEALS COMMITTEE
Date: TUESDAY, 2ND MAY 2006
Venue: LANCASTER TOWN HALL
Time: 2.00 P.M.

A G E N D A

Members – please note there will be a site visit commencing at 1.00 p.m., Tuesday, 2nd May 2006, at Field West of Bottomdale Caravan Park, Slyne-with-Hest.

1. **Apologies for Absence**
2. **Minutes of the Meeting held on 7th November 2005 (previously circulated)**
3. **Items of Urgent Business authorised by the Chairman**
4. **Declarations of Interest**

MATTER FOR DECISION

5. **Tree Preservation Order No. 380 (2006) relating to a beech tree located at Field West of Bottomdale Caravan Park, Slyne-with-Hest (Pages 1 - 6)**

Report of Head of Democratic Services

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Sheila Denwood (Chairman), Shirley Burns, Chris Coates, Helen Helme, Janet Horner, David Kerr and Pat Quinton

(ii) Substitute Membership

Councillors Evelyn Ashworth, Anne Chapman, John Harrison, Janie Kirkman, Sylvia Rogerson and Joyce Taylor

(iii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068 or email JGlenton@lancaster.gov.uk.

(iv) Changes to Membership, substitutions or apologies

Please contact Members' Secretary, telephone 582170, or alternatively email memberservices@lancaster.gov.uk.

MARK CULLINAN
CHIEF EXECUTIVE
TOWN HALL,
LANCASTER LA1 1 PJ

Published on Thursday, 20th April 2006

APPEALS COMMITTEE**TREE PRESERVATION ORDER NO. 380 (2006)
FIELD WEST OF BOTTOMDALE CARAVAN PARK,
SLYNE-WITH-HEST****2ND MAY 2006****REPORT OF HEAD OF DEMOCRATIC SERVICES****PURPOSE OF REPORT**

To enable Members to consider the objection received to Tree Preservation Order No. 380 (2006) located at Field West of Bottomdale Caravan Park, Slyne-with-Hest, and thereafter whether or not to confirm the Order.

This matter will be dealt with in accordance with the adopted procedure for considering matters relating to individual applications, that is, the relevant matters for consideration by the Committee will be presented in the public part of the meeting, and the decision will be made after the exclusion of the press and public, on the basis that, in making its decision, the Committee will receive exempt information in the form of legal advice on possible legal proceedings arising from the decision (Paragraph 5 of Schedule 12A of the Local Government Act 1972).

RECOMMENDATIONS

That Members consider the objection to Tree Preservation Order No. 380 (2006), located at Field West of Bottomdale Caravan Park, Slyne-with-Hest, and decide whether or not to confirm the Order.

1.0 Introduction

- 1.1 Under Section 198 of the Town and Country Planning Act 1990, the Local Planning Authority may make an Order in respect of a tree or group of trees if it appears that it is expedient in the interests of amenity to make provision for the protection of trees in their area.
- 1.2 In accordance with the Town and Country Planning (Tree Preservation Order) Regulations 1999, an objection has been received to Tree Preservation Order No. 380 (2006), which has been made on a single beech tree located at Field West of Bottomdale Caravan Park, Slyne-with-Hest.
- 1.3 The objection is from John Martin Fish and the reasons for his objection are detailed in correspondence at Appendix A. The location of the tree in question is shown at Appendix B.

1.4 In accordance with the Regulations, it is necessary to consider the objection, and in order for the objection to be considered objectively, the matter is referred to the Appeals Committee.

2.0 Proposal Details

2.1 The purpose of the report is to provide Members with details to enable them to decide whether or not to confirm Tree Preservation Order No. 380 (2006).

3.0 Details of Consultation

3.1 There has not been any consultation at this stage.

4. Options

4.1 The Options are:

- (1) To confirm Tree Preservation Order No. 380 (2006)
- (2) Not to confirm Tree Preservation Order No. 380 (2006)

5. Conclusion

5.1 In the light of information contained within this report and its appendices, together with the site visit and legal advice given at Committee, Members are requested to determine whether or not to confirm Tree Preservation Order No. 380 (2006).

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) Not applicable.	
FINANCIAL IMPLICATIONS Not applicable.	
LEGAL IMPLICATIONS A Legal Officer will be present at the meeting to advise the Committee.	
BACKGROUND PAPERS Tree Preservation Order No. 380 (2006)	Contact Officer: Jane Glenton Telephone: 01524 582068 E-mail: JGlenton@lancaster.gov.uk Ref: JEG

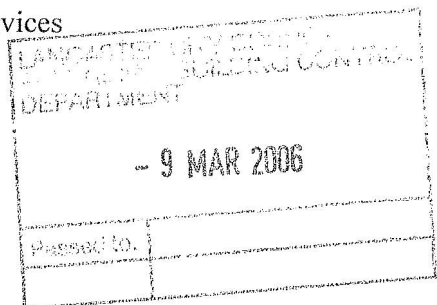
Telephone & Fax [redacted],
e-mail address ~ [redacted],
[redacted],
[redacted],
[redacted].

8th March 2006.

My Ref ~ AHFTREE02

Your Ref ~ TPO NO 380 (2006)

Lancaster City Council ~ Planning & Building Control Services
Palatine Hall
Dalton Square
Lancaster
LA1 1PW



Attention ~ Andrew Dobson

Dear Sir,

Tree Preservation Order No 380 (2006) ~ Lancaster City Council ~ Field West of Bottomdale caravan Park, Slyne with Hest

I have spoken at length with Andrew Holden regarding the above subject and also met on site Maxine Knagg. I give notice that I wish to object to the imposition of the above Tree Preservation Order for the following reasons ~

1. I believe that the proposed Tree Preservation Order is not a lawful use of Tree Preservation Order legislation. The Tree Preservation Order is being used a means to prevent development at Bottomdale Caravan Park. (Surely the consent or rejection of a planning application should only be determined by the relevant legislation of Planning and Building Control and no other matter?)
2. A Tree Preservation Order is to protect trees for their amenity value to the surrounding area and in the above case should be considered only *if and when* planning consent is granted. (otherwise all trees should be protected so that in the event of a successful planning application the tree(s) would be protected!)
3. The tree in question has been in the ownership of the Fish Estate for nearly 100 years and the Fish Estate have an unblemished record with the trees on their land. The imposition of a Tree Preservation Order is therefore unnecessary.

I look forward to hearing from you that the above Tree Preservation Order will not be confirmed.

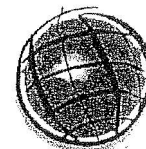
Yours faithfully,

[redacted signature]

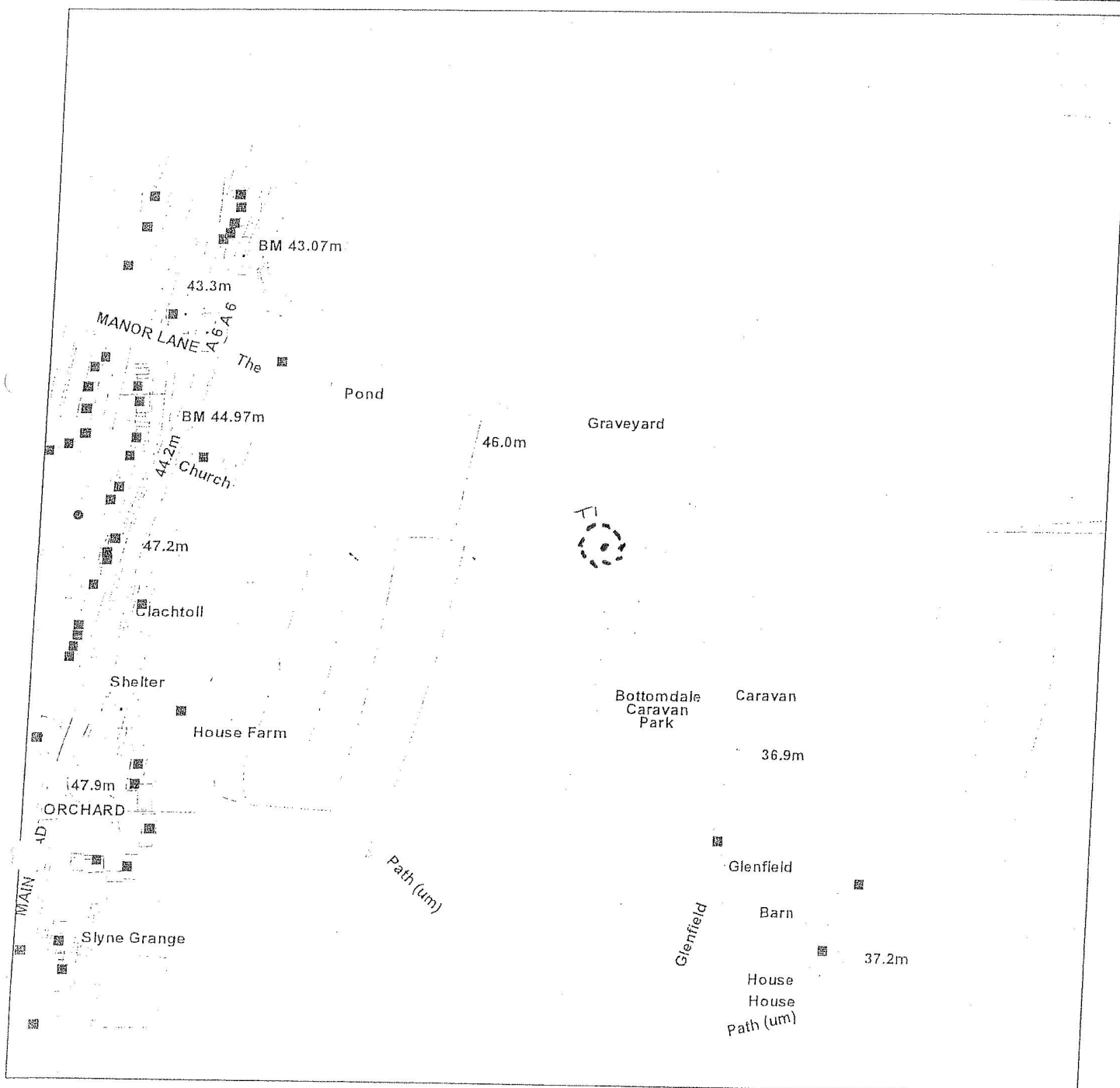
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LANCASTER CITY COUNCIL TPO NO. 380

BOTTOMDALE CARAVAN PARK



GIS by ESRI (UK)



Scale : 1:2500

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Organisation	Not Set
Department	Not Set
Comments	
Date	22 February 2006
SLA Number	100025403

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