

## APPEALS COMMITTEE

10.00 A.M.

20TH NOVEMBER 2006

**PRESENT:** Councillors Sheila Denwood (Chairman), Ian Barker (substitute for John Harrison), Chris Coates, John Gilbert and Helen Helme

Apologies for Absence:

Councillors Shirley Burns and John Harrison

Officers in Attendance:

Maxine Knagg	Tree Protection Officer
Angela Parkinson	Senior Solicitor
Sharon Marsh	Democratic Support Officer
Jane Glenton	Democratic Support Officer

**10 SITE VISIT - TREE PRESERVATION ORDER NO. 385 (2006): BAILRIGG LANE, LANCASTER**

Prior to the commencement of the meeting, a site visit to land south of Bailrigg Lane, Lancaster was undertaken in response to an objection to the above-mentioned Tree Preservation Order.

**The following Members were present on the site visit:**

Councillors Sheila Denwood (Chairman), Chris Coates and John Gilbert.

**Officers in Attendance:**

Maxine Knagg – Tree Protection Officer  
Sharon Marsh – Democratic Support Officer  
Jane Glenton – Democratic Support Officer

**11 MINUTES**

The Minutes of the meeting held on 2<sup>nd</sup> May 2006 were signed by the Chairman as a correct record.

**12 TREE PRESERVATION ORDER NO. 385 (2006): BAILRIGG LANE, LANCASTER**

The Committee considered an appeal against a decision of the Council, under Section 198 of the Town and Country Planning Act 1990, making an Order in respect of three trees (a Lime (T1), a Horse Chestnut (T2) and an Oak (T3)), located at land south of Bailrigg Lane, Lancaster.

The Tree Protection Officer advised Members that the Tree Preservation Order (TPO), relating to three trees within the site of the proposed Lancaster Science Park at Bailrigg, had been served on the Northwest Regional Development Agency (who had submitted an outline planning application (reference 05/01114/OUT) to develop the Bailrigg site as a science park), and their comments invited.

Members noted that the Northwest Regional Development Agency had responded that, whilst it would be possible to retain the Lime (T1) within the proposed development, the Oak (T2) and Horse Chestnut (T3) occupied an area on which it was proposed that a 929 square metre business unit be built. The restrictions imposed by the TPO could be very restrictive to the site layout and flexibility, and lead to increased development costs and reduced economic benefits, and prevent the site from being developed to its optimum potential. The Northwest Regional Development Agency therefore objected to the proposed TPO in respect of trees T2 and T3.

The Tree Protection Officer advised Members that T3 was a mature Oak of good condition and structural form, and a native tree, renowned for its potential longevity, strength of timber and the wide diversity of biological life that it was able to support. The tree was likely to have been established on the site for in excess of 400 years.

T2 was a mature Horse Chestnut of exceptional character. The tree had a large, well-structured and shaped crown and was likely to have been established on the site beyond 150 years. There were no other Horse Chestnut trees of this age, good structure, form and character within the immediate locality or wider landscape.

Members were informed that the amenity value of both trees had been assessed using an objective and systematic approach (Tree Evaluation Method for Preservation Orders (TEMPO) system). A score of 15+ had been achieved, indicating that the trees in question fell in the category identified as “definitely merit” protection with a TPO.

Members noted that it was considered expedient in the interests of amenity to make provision for the preservation of the two trees in question under Section 198 (201) and 203 of the Town and Country Planning Act 1990 for the following reasons:

- *Intrinsic beauty* - the trees being of exceptional form and good condition.
- *Highly visible from two public highways* – T2 and T3 were visible from Bailrigg Lane and the A6 public highway and were considered important landscape features of the site.
- *Important wildlife value* – there was nothing to match the trees in terms of species. The Oak had lost a number of branches and the resultant cavities offered potential bat roosts.
- *Development pressure from within the site* – the existence of such trees within the Business Park would be of significant importance. Retention and protection of the trees would demonstrate a commitment to supporting sustainable development through good design and planning.

It was the view of the City Council that damage or removal of the trees would have a detrimental and negative impact on the amenity value of the local area and, as such, should be afforded protection by serving a TPO.

***(The Committee adjourned at 10.15 a.m. to consider the evidence. The Tree Protection Officer left the meeting at this point.)***

Members considered the details.

It was proposed by Councillor Barker and seconded by Councillor Coates:

“That the appeal be refused and the TPO confirmed without modification.”

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be carried.

***(The Committee reconvened at 10.18 a.m. to give their decision and the Tree Protection Officer returned to the meeting at this point.)***

The Democratic Support Officer advised those present of the Committee's decision.

***Resolved:***

That the appeal be refused and the TPO confirmed without modification.

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Chairman

(The meeting ended at 10.20 a.m.)

**Any queries regarding these Minutes, please contact  
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