

## APPEALS COMMITTEE

2.00 P.M.

30TH JANUARY 2007

**PRESENT:** Councillors Sheila Denwood (Chairman), Chris Coates, John Gilbert, David Kerr and Sylvia Rogerson (substitute for Helen Helme)

Apologies for Absence:

Councillors Shirley Burns and Helen Helme

Officers in Attendance:

Maxine Knagg	Tree Protection Officer
Angela Parkinson	Senior Solicitor
Anne Shepherd	Planning Advice Assistant
Jane Glenton	Democratic Support Officer

**16 SITE VISIT - TREE PRESERVATION ORDER NO. 397 (2006): LAND BETWEEN LANCASTER BOYS CLUB AND NOS. 9-17 VILLAS COURT, DALLAS ROAD, LANCASTER**

Prior to commencement of the meeting, a site visit to land between Lancaster Boys Club and Nos. 9-17 Villas Court, Dallas Road, 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, John Gilbert and David Kerr.

**Officers in Attendance:**

Maxine Knagg – Tree Protection Officer  
Angela Parkinson – Senior Solicitor  
Anne Shepherd – Planning Advice Assistant  
Jane Glenton – Democratic Support Officer

**17 MINUTES**

The Minutes of the meeting held on 13<sup>th</sup> December 2006 were signed by the Chairman as a correct record.

**18 TREE PRESERVATION ORDER NO. 397 (2006): LAND BETWEEN LANCASTER BOYS CLUB AND NOS. 9-17 VILLAS COURT, DALLAS ROAD, 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 thirty-three trees on land between Lancaster Boys Club and Nos. 9-11 Villas Court, Dallas Road, Lancaster. The trees had been identified in three groups:

- G1 - a group of 11x ornamental cherry, 1x common alder, 1x larch and 1x sycamore;

- G2 – a group 3x common alder, 1x Italian alder, 1x lime, 2x sycamore, and 4x Norway maple; and
- G3 – a group of 3x sycamore, 2x Italian alder, 2x common alder, and 1x cockspur thorn.

All trees were in good overall condition, health and state of vigour.

In accordance with the Town and Country Planning (Tree Preservation Order) Regulations 1999, an objection had been received to Tree Preservation Order No. 397 (2006). The objection was received from Messrs. Oglethorpe, Sturton and Gillibrand, Solicitors acting on behalf of Lancaster Boys Club, on the basis that the trees were of very little amenity value and were not species of tree that were in any way in need of protection.

The Tree Protection Officer advised Members that the amenity value of trees within G1, G2 and G3 had been assessed using an objective and systematic approach (Tree Evaluation Method for Preservation Orders – *TEMPO* system). A score of 15+ had been achieved supporting the action of serving a Tree Preservation Order.

The trees contributed significantly to the local amenity by providing the following:

- Pollution control, improving air quality by trapping particulate and gaseous pollutants, recycling moisture from the ground and re-releasing it back to the atmosphere.
- A reduction in noise pollution generated from traffic on the adjacent public highway and railway. (Leaves and branch structures provide a physical barrier and buffer sound waves, significantly reducing pollutant noise levels within the residential area.)
- A sense of the changing seasons and greening in an otherwise heavily urbanised area.
- Cohesion in an urbanised area, providing links to other green fringes within the street scene.
- Contribute to the support of wildlife colonies and local biodiversity within Lancaster City.
- Privacy and screening between adjacent properties and from the public highway and railway systems.

Consequently, Lancaster City Council considered it expedient in the interests of amenity to make provision for the preservation of the thirty-three trees in question under Sections 198, 201 and 203 of the Town & Country Planning Act 1990 for the following reasons:

- the trees provided important public amenity benefits;
- the potential threat from site development in the future;

- a number of trees on the site had been damaged in the past seriously limiting their useful life potential.

The City Council considered that damage or removal of the trees would have a detrimental impact on the amenity value of the local area and that they should be afforded protection by the serving of Tree Preservation Order No. 397 (2006).

***(The Committee passed a resolution to exclude the press and public on the basis that, in making its decision, exempt information would be received in the form of legal advice.)***

***(The Committee adjourned at 2.12 p.m. to consider the evidence. The Tree Protection Officer left the meeting at this point.)***

Members considered the options before them:

- (1) To confirm Tree Preservation Order No. 397 (2006):
  - (a) Without modification;
  - (b) Subject to such modifications as considered expedient.
- (2) Not to confirm Tree Preservation Order No. 397 (2006).

It was proposed by Councillor Gilbert and seconded by Councillor Rogerson:

“That the appeal be refused and the Tree Preservation Order 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 2.15 p.m. to give their decision and the Tree Protection Officer, press and public 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 Tree Preservation Order confirmed without modification.

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Chairman

(The meeting ended at 2.16 p.m.)

**Any queries regarding these Minutes, please contact  
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