

APPEALS COMMITTEE

2.00 P.M.

12TH MARCH 2008

PRESENT: Councillors Sheila Denwood (Chairman), Shirley Burns, Janie Kirkman, Bob Roe and Roger Sherlock (substitute for Janice Hanson).

Apologies for Absence:

Councillors Chris Coates, Janice Hanson and Helen Helme

Officers in Attendance:

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

1 SITE VISITS - TREE PRESERVATION ORDER NO. 422 (2007): LAND WITHIN THE CURTILAGE OF ST. JOHN'S CHURCH, EMESGATE LANE, SILVERDALE AND TREE PRESERVATION ORDER NO. 425: LAND WITHIN THE CURTILAGE OF PARK COTTAGE, DEER PARK LANE, HORNBY

Prior to commencement of the meeting, site visits to land within the curtilage of St. John's Church, Emesgate Lane, Silverdale and land within the curtilage of Park Cottage, Deer Park Lane, Hornby were undertaken, in response to objections received to Tree Preservation Orders Nos. 422 and 425.

The following Members were present on the site visits:

Councillors Sheila Denwood (Chairman), Shirley Burns, Janie Kirkman, Bob Roe and Roger Sherlock (substitute for Janice Hanson).

Officers in Attendance:

Maxine Knagg	-	Tree Protection Officer
Jane Glenton	-	Democratic Support Officer

2 MINUTES

The Minutes of the meeting held on 30th January 2007 were signed by the Chairman as a correct record.

3 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

4 DECLARATIONS OF INTEREST

There were no declarations of interest.

5 TREE PRESERVATION ORDER NO. 422 (2007) - LAND WITHIN THE CURTILAGE OF ST. JOHN'S CHURCH , EMESGATE LANE, SILVERDALE

The Committee considered appeals against a decision of the Council under Section 198 of the Town and Country Planning Act 1990, making an Order in respect of individual trees identified as T1-T3 and groups G1 and G2 established on land within the curtilage of St. John's Church, Emesgate Lane, Silverdale.

It was reported that the trees comprised two main groups of trees to the north, east and south of the property (G1 and G2) and a number of individual trees to the west of the site (T1-T3). The site was established within an Area of Outstanding Natural Beauty (AONB) and the trees were clearly visible from the public highway of Emesgate Lane and a number of local residential properties, and to users of the church and its grounds.

Site development works had been undertaken to the front of the church site, including resurfacing works and reconstruction of planted areas. During the works, there had been no identifiable tree protection systems in place, and damaged and exposed tree roots could clearly be identified.

Any such development that involved disturbance of the ground, whether changes in ground levels, surfacing and/or excavation works, had significant potential to cause damage to trees within the vicinity of such works. Damage to root systems had the real potential to limit the life, potential health, vigour and stability of affected trees.

A planning application had been submitted for the redevelopment of an existing building to the north of the site, an area that was heavily wooded with trees. The application would be considered as a separate planning matter.

The trees in question were T1, a young horse chestnut, T2 a young birch and T3 an early-mature yew tree. All three trees were established to the front of the property, close to the western boundary. The recent development works in the area had resulted in damage to the root systems likely to belong to T2 and possibly other trees. Such root damage had the potential of adversely affecting the long-term sustainability of affected trees resulting in impaired health, vigour and the potential for loss of stability.

G1 and G2 were groups of young to mature trees, including species of holly, sycamore, birch, ash, cherry yew and beech, which were generally of good condition and state of health and vigour.

In accordance with the Town and Country Planning (Tree Preservation Order) Regulations 1999, objections had been received to Tree Preservation Order No. 422 (2007). The objections were from the occupant of St. John's Church, Emesgate Lane, Silverdale and the Diocese of Blackburn on the grounds that a blanket Tree Preservation Order was an unnecessary imposition which could only serve to inhibit the sensible development and maintenance of the church grounds, and they challenged the idea that areas of self-seeded overgrowth where trees were growing into each other, and in some cases had outgrown their context, enhanced the amenity of the site.

The Tree Protection Officer advised Members that the amenity value of trees had been gathered by means of a preliminary visual tree assessment restricted to ground level observations and inspection. A systematic and objective appraisal of the amenity value of the trees had been undertaken using the *Tree Evaluation Method for Preservation*

Orders (TEMPO). A score of 15+ (22) had been achieved, supporting the action of serving a Tree Preservation Order.

The trees within the site contributed significantly to the local amenity by providing:

- Important visual amenity
- Improvements in air quality, screening, privacy and noise abatement from the public highway
- An important wildlife resource.

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

- The trees provided important public amenity benefits
- The potential threat from future site development
- They provided an important wildlife resource.

The Council considered that damage or removal of such trees would have a detrimental impact on the amenity value of the local area and, as such, the trees should be afforded protection by serving a Tree Preservation Order.

(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 3.07 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. 422 (2007):
 - (a) Without modification;
 - (b) Subject to such modifications as considered expedient.
- (2) Not to confirm Tree Preservation Order No. 422 (2007).

It was proposed by Councillor Kirkman and seconded by Councillor Burns:

“That the appeal be refused and the Tree Preservation Order confirmed without modification, subject to an advice note that the City Council welcomes good tree management on-site.”

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 3.15 p.m. to give their decision and the Tree Protection Officer, press and public returned to the meeting at this point.)

The Chairman advised those present of the Committee's decision.

Resolved:

That the appeal be refused and the Tree Preservation Order confirmed without modification, subject to an advice note that the City Council welcomes good tree management on-site.

6 TREE PRESERVATION ORDER NO. 425 (2007) - LAND WITHIN THE CURTILAGE OF PARK COTTAGE, DEER PARK LANE, HORNBY

The Committee considered appeals against a decision of the Council under Section 198 of the Town and Country Planning Act 1990, making an Order in respect of trees identified in a single woodland belt (W1) on land within the curtilage of Park Cottage, Deer Park Lane, Hornby.

It was reported that the trees comprised of semi-mature and mature species of beech, yew, sycamore, sweet chestnut, oak, horse chestnut and lime. A number of the trees had the potential to develop into important veteran trees; trees that because of their age, size or condition were of exceptional value culturally in the landscape or for their wildlife value. Generally, the woodland trees were of a good condition, health and state of vigour with the potential to continue to provide significant amenity value long into the future.

The site was established in an elevated position and in a rural location within the village of Hornby, several miles to the east of Lancaster City. To the west of the main dwellinghouse was a substantial belt of woodland trees providing significant tree cover and links to other groups and belts of trees in the vicinity. The trees could be seen from the main public highway in the village, from other residential properties and visitors utilizing Deer Park Lane.

The owners of Park Cottage had advised that works were proposed to develop a new access drive to the western most aspect of the woodland belt off Deer Park Lane. Any development that involved the disturbance of the ground, whether changes in ground levels, surfacing and/or excavation works had significant potential to cause damage to trees within the vicinity of such works. Damage to root systems had the real potential to limit the life potential, health, vigour and stability of affected trees.

A number of the trees in question, identified as W1, had the potential to develop into important veteran trees which, because of their age, size or condition were of exceptional value culturally in the landscape, or for their wildlife value.

In accordance with the Town and Country Planning (Tree Preservation Order) Regulations 1999, objections had been received to Tree Preservation Order No. 425 (2007). The objections were from:

- (1) The owners of Lorelei, Deer Park Lane, Hornby, who objected to a Preservation Order being placed on the young beech tree just inside the boundary wall in the southwest corner of the property for the following reasons:

- The tree was a young tree (approximately 20 years old) which had been planted too near to the boundary walls and would severely encroach over the lane. Large lorries used the land and therefore branches would need to be lopped to a significant height.
 - The tree was very close to the overhead telephone cable to Lorelei and other properties further up Deer Park Lane.
 - Lopping or pruning of the tree to avoid the above would result in a misshapen tree.
 - When the tree reached full maturity, it would reach a height of over 100 feet and would have a similar spread. It would severely restrict the view of the Lune Valley from Lorelei, which was one of the main reasons for the owners buying the house 22 years ago.
- (2) The owners of Park Cottage, Deer Park Lane, Hornby, who objected to the aid Tree Preservation Order for the following reasons:
- Redevelopment was not a ground upon which a Tree Preservation Order could be made.
 - The proposed development was by virtue of existing planning consents (07/00278/FUL and 07/00279/LB).
 - The purple beech in question had been planted within the last 15 years or so and had been planted out of context and character with the established tree stock, and it had been a serious error of judgment to plant a 'foreigner', and had been exacerbated by the location selected.
 - The imposition of a Tree Preservation Order would prevent an alternative, better and safer access to the property than the existing dangerously steep driveway being constructed, which required the removal of the purple beech.
 - The purple beech was a complete stranger to the existing mature tree stock and therefore wholly inappropriate, and had been planted without any foresight into what it would grow into.
 - The size of the tree's roots would further encroach on, over and about water, gas and electricity services buried under the surface of Deer Park Lane and, being only 2 to 3 feet away from the perimeter dry stone wall, would disturb the wall and interfere with a nearby substantial surface water drain.
 - The tree's branches would grow over the land and become and remain an obstruction to lawful users of the land and, in legal terms, would be a nuisance to the highway.
 - The tree's upper branches already threatened the overhead telephone cables.

- If afforded protection by a Tree Preservation Order, the tree would occasion a constant source of continued administrative time-wasting to keep it under control.

The Tree Protection Officer advised Members that the amenity value of trees within W1 had been assessed using an objective and systematic approach using the *Tree Evaluation Method for Preservation Orders (TEMPO)*. A score of 15+ (25) had been achieved, supporting the action of serving a Tree Preservation Order.

The trees within the single woodland belt contributed significantly to the local amenity by providing the following:

- Important visual amenity
- Improvements in air quality, screening and privacy
- Cohesion, linking other groups and stands of trees within the vicinity
- An important wildlife resource.

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

- The trees provided important public amenity benefits
- The potential threat from site development in future
- An important wildlife resource.

The Council considered that damage or removal of the trees would have a detrimental impact on the amenity value of the local area and, as such, they should be afforded protection by the serving of Tree Preservation Order No. 425 (2007).

(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 3.23 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. 425 (2007)
 - (a) Without modification;
 - (b) Subject to such modifications as considered expedient.
- (2) Not to confirm Tree Preservation Order No. 425 (2007).

It was proposed by Councillor Roe and seconded by Councillor Kirkman:

“That the appeal be refused and the Tree Preservation Order confirmed without modification.”

Upon being put to the vote, 4 Members voted in favour of the proposition, with 1

abstention, whereupon the Chairman declared the proposal to be carried.

(The Committee reconvened at 3.28 p.m. to give their decision and the Tree Protection Officer, press and public returned to the meeting at this point.)

The Chairman advised those present of the Committee's decision.

Resolved:

That the appeal be refused and the Tree Preservation Order confirmed without modification.

Chairman

(The meeting ended at 3.30 p.m.)

**Any queries regarding these Minutes, please contact
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