



Committee: APPEALS COMMITTEE
Date: TUESDAY, 8TH JULY 2008
Venue: LANCASTER TOWN HALL
Time: 3.00 P.M.

Please note that site visits will take place prior to commencement of the meeting.
The coach will depart Lancaster Town Hall at 1.00 p.m.

A G E N D A

1. **Apologies for Absence**
2. **Appointment of Vice-Chairman**
3. **Minutes**

Minutes of the Meeting held on 12th March 2008 (previously circulated)

4. **Items of Urgent Business authorised by the Chairman**
5. **Declarations of Interest**

MATTERS FOR DECISION

6. **Tree Preservation Order No. 428 (2008): Tree within the curtilage of 8 The Nook, Bolton-le-Sands (Pages 1 - 24)**

Report of Head of Democratic Services (incorporating report of Tree Protection Officer)

7. **Tree Preservation Order No. 436 (2008): Trees established to the rear of 31 Stanhope Avenue and land to the rear of 29A Stanhope Avenue, Morecambe (Pages 25 - 49)**

Report of Head of Democratic Services (incorporating report of Tree Protection Officer)

ADMINISTRATIVE ARRANGEMENTS

(i) **Membership**

Councillors Sheila Denwood (Chairman), Chris Coates, Janice Hanson, Helen Helme, David Kerr, Janie Kirkman and Bob Roe

(ii) **Substitute Membership**

Councillors John Barnes, Shirley Burns, Jane Fletcher, John Gilbert, Karen Leytham and Roger Sherlock

(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,
DALTON SQUARE,
LANCASTER LA1 1PJ

Published on Monday, 30th June 2008

APPEALS COMMITTEE**TREE PRESERVATION ORDER NO. 428 (2008):
TREE WITHIN THE CURTILAGE OF 8 THE NOOK,
BOLTON-LE-SANDS****8TH JULY 2008****REPORT OF HEAD OF DEMOCRATIC SERVICES****PURPOSE OF REPORT**

To enable Members to consider the objection received to Tree Preservation Order No. 428 (2008): tree within the curtilage of 8 The Nook, Bolton-le-Sands.

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. 428 (2008): tree within the curtilage of 8 The Nook, Bolton-le-Sands.

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, objections have been received to Tree Preservation Order No. 428 (2008), which has been made in relation to a sycamore tree in the small rear garden of 8 The Nook, Bolton-le-Sands identified as T1.
- 1.3 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.
- 1.4 The report of the City Council's Tree Protection Officer is attached (pages 3 to 4).

Appended to the report are:

- Appendix 1 - *Copy of the original Tree Preservation Order No. 428 (2008) (page 5 to 8);*
- Appendix 2 - *Tree Evaluation Method for Preservation Orders (TEMPO) (page 9 and 10);*
- Appendix 3 – *Correspondence and objection in relation to TPO No. 428 (2008) (pages 11 to 16);*
- Appendix 4 – *Conservation Area Notification to Fell (pages 17 to 22);*
- Appendix 5 – *Photographs of the T1 (page 23 and 24).*

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. 428 (2008).

3.0 Details of Consultation

3.1 There has not been any consultation at this stage.

4.0 Options

4.1 The Options are:

- (1) To confirm Tree Preservation Order No. 428 (2008)
 - (a) Without modification
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 428 (2008)

5.0 Conclusion

5.1 In the light of information contained within the report and its appendices, together with legal advice given at Committee and a site visit, Members are requested to determine whether or not to confirm Tree Preservation Order No. 428 (2008).

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. 428 (2008)

Contact Officer: Jane Glenton

Telephone: 01524 582068

E-mail: JGlenton@lancaster.gov.uk

Ref: JEG

Contact: Planning Services
Telephone: 01524 582381
FAX: 01524 582323
Email: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk

Planning Services
Maxine Knagg
Tree Protection Officer

Palatine Hall
Dalton Square
LANCASTER LA1 1PW

Date: 24th June 2008

Appeals Committee (TPO)

Tree subject of the Appeals Committee – established within the curtilage of 8 The Nook, Bolton-le-Sands, and subject of **Tree Preservation Order No. 428 (2008)**.

This report has been produced by Maxine Knagg (BSc Hons Arboriculture), Tree Protection Officer, Lancaster City Council.

1.0 Introduction

- 1.1 **Site:** The tree in question is established within the curtilage of 8 The Nook, Bolton le Sands, and is established within Bolton le sands conservation area.
- 1.2 **Scope and limitation of this report:** This is an arboriculture report restricted to only those trees subject of the Appeals Committee. The information provided within this report has been gathered by means of a preliminary visual tree assessment restricted to ground level observations and inspection at the time of the site visit. A systematic and objective appraisal of the amenity value of the trees has been undertaken using the *Tree Evaluation Method for Preservation Orders (TEMPO)*. It should be noted that trees are dynamic, living organisms subject to changes in weather, climate, pest and disease, development activities and site conditions.

2.0 Site Visit

- 2.1 **Date:** Undertaken 28th February 2008.
- 2.2 **Brief Site Description:** The property is a private residential property established within the local conservation area. The tree in question is growing within the rear garden area of the property. It was noted on the date of the site visit that the property was 'For Sale'.

3.0 Identification and condition of the trees:

- 3.1 The tree in question is the subject of **Tree Preservation Order no. 428 (2008) (Appendix 1)**, and has been identified as **T1**.
- 3.2 **T1** is a mature sycamore, of a single stem form. Bud and shoot distribution and growth was evenly distributed across the crown when inspected, indicating a good state of health and vigour. It should be noted that the condition of the main stem could not be clearly visualised on the day of the site visit.
- 3.3 The tree can be clearly seen from an adjacent car park area serving a number of residential properties and it can be glimpsed from the public highway of The Nook.

4.0 Tree Preservation Order

- 4.1 The amenity value of **T1** has been assessed using an objective and systematic approach (Tree Evaluation Method for Preservation Orders - *TEMPO* system). A score of 15+ was achieved supporting the action of serving a Tree Preservation Order (**Appendix 2**).
- 4.2 Lancaster City Council received a written notification to fell the tree submitted by Lakeland Landscapes Ltd, on behalf of the home owner (**Appendix 4**).
- 4.3 **T1** contributes to the local amenity by providing the following:
- visual amenity
 - improvements in air quality, screening, and privacy
 - contributes to urban greening and is a wildlife resource
- 4.4 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of the groups of trees in question **under sections 198, 201 and 203 of the Town & Country Planning Act 1990**. Lancaster City Council cite the following reasons. Trees are:
- provide important public amenity benefits
 - under threat from removal
 - wildlife resource

It is the view of Lancaster City Council that removal of this tree would have a detrimental impact on the amenity value of the local area and as such should be afforded protection by serving a Tree Preservation Order.

Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer, Planning Services
Lancaster City Council

Appendix No. 1

Tree Preservation Order No. 428 (2008)

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 428 (2008)

---ooOoo---

I hereby certify that this is a true copy of the original order.

A.M. Kenchington 6/3/08

RELATING TO TREES LOCATED AT
8 THE NOOK
BOLTON-LE-SANDS

TOWN HALL
LANCASTER
LA1 1PJ

FIRST SCHEDULE

Trees Specified Individually
(encircled in black on the map)

NO. ON MAP

DESCRIPTION

SITUATION

T1

Sycamore

Within rear garden of property

Trees specified by reference to an area
(within a dotted black line on the map)

NO. ON MAP

DESCRIPTION

SITUATION

NONE

Groups of trees
(within a broken black line on the map)

NO. ON MAP

DESCRIPTION

SITUATION

None

Woodlands
(within a continuous black line on the map)

NO. ON MAP

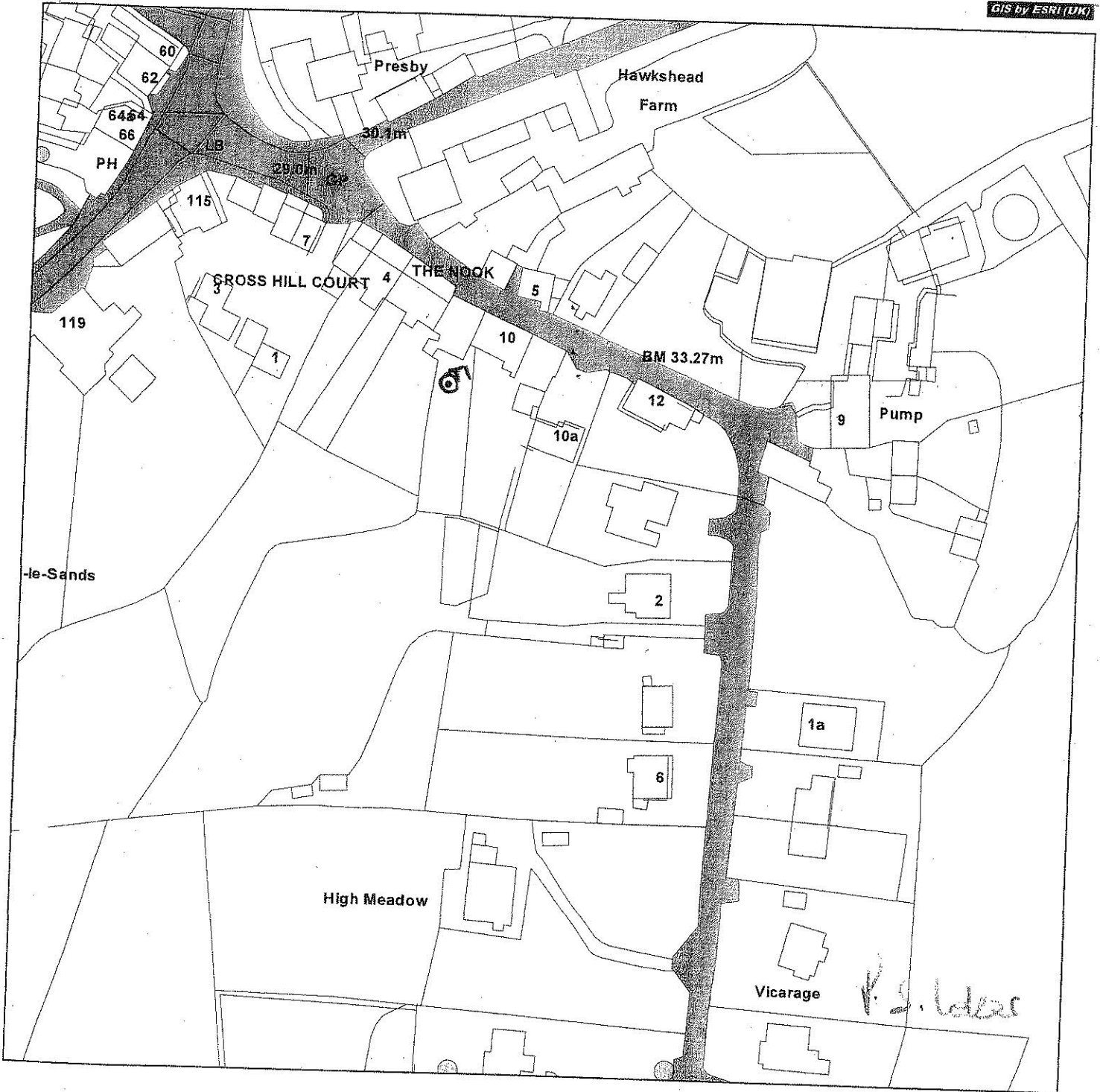
DESCRIPTION

SITUATION

NONE

TPO no.428 (2008)

8 The Nook, Bolton le Sands



Scale : 1:1250

Reproduced from the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright 2000.

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Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>

Organisation	Lancaster City Council
Department	Planning Services
Comments	
Date	03 March 2008
SLA Number	LA100025403

Appendix No. 2

Tree Evaluation Method for Preserved Trees (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 28/2/08 Surveyor: M. Knagg

Tree details
 TPO Ref: 428 (2008) Tree/Group No: T1 Species: Sycamore
 Owner (if known):
 Location: Rear 8 The Wook, BLS

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- ③ Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Unsafe Unsuitable
- 0) Dead Unsuitable

Score & Notes ③ close inspection not possible
 Good shoot + bud distribution across crown.

b) Remaining longevity (in years) & suitability for TPO:

Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- ④ 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & Notes ④

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- ③ Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

Score & Notes ③
 visible over roof, increased view to side of property.

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- ① Trees with none of the above additional redeeming features

Score & Notes ①

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

NB: Property for Sale!

- ⑤ Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Score & Notes ⑤
 notification received to fell for over.

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:
 15+

Decision:
 Save TPO

Document is Restricted

Appendix No. 4

Conservation Area Notification to Fell

**Town and Country Planning
 Act 1990 - Section 211**

Notification of intention to undertake works to trees which are in a CONSERVATION AREA

Name of Conversation AreaBOLTON-LE-SANDS

I/We hereby give notice of my/our intention to carry out the works specified below:-

<p>Site address:</p> <p>Please specify the tree(s), group(s) of trees or woodland(s) to which this application relates</p> <p>Please provide a scaled map/plan 1:1250 or 1:2500 showing their position</p>	<p>8 THE NOOK BOLTON-LE-SANDS LANCASHIRE LA5 8DR</p> <p>SYCAMORE IN SMALL REAR GARDEN OF THE ABOVE PROPERTY</p> <p>OS PLAN FROM DEEDS ATTACHED TOGETHER WITH 2 PHOTOS TAKEN FROM DIFFERENT ANGLES</p>
<p>Please specify the exact works you are applying to the Council for</p> <p>(ie, fell crown raise, crown reduce, crown thin, (single/individual/several) branches removed)</p>	<p>REMOVAL OF TREE</p>
<p>Please state as fully, but concisely as possible, the reasons for making this application</p>	<p>TREE TAKING UP LARGE PORTION OF SMALL GARDEN</p> <p>CLOSE PROXIMITY TO HOUSE</p> <p>BLOCKING LIGHT FROM BOTH PROPERTIES</p>
<p>Please state what interest you have for undertaking works to the tree(s)</p> <p>ie, owner/neighbour/developer etc</p>	<p>AGENT ON BEHALF OF OWNER</p>

Please turn overleaf

Applicant's Name, Address, Tel No.	Agent's Name, Address, Tel No.
<p>Signed:</p> <p>Dated:</p>	<p>LAKELAND LANDSCAPES LTD HEIGHT GREEN HEATHWAITE WINDERMERE CUMBRIA LA23 2DP 015394 43472 078180460729</p> <p>Signed: P. Bragg</p> <p>Dated: 21st January 2008</p>

This form should be completed in duplicate and accompanied by location plans and a photograph of each tree or group of trees identified for proposed work. Photographs should be clearly identified in relation to the individual tree, site plan and proposed work. The photographs should be taken within 3 months of the application date.

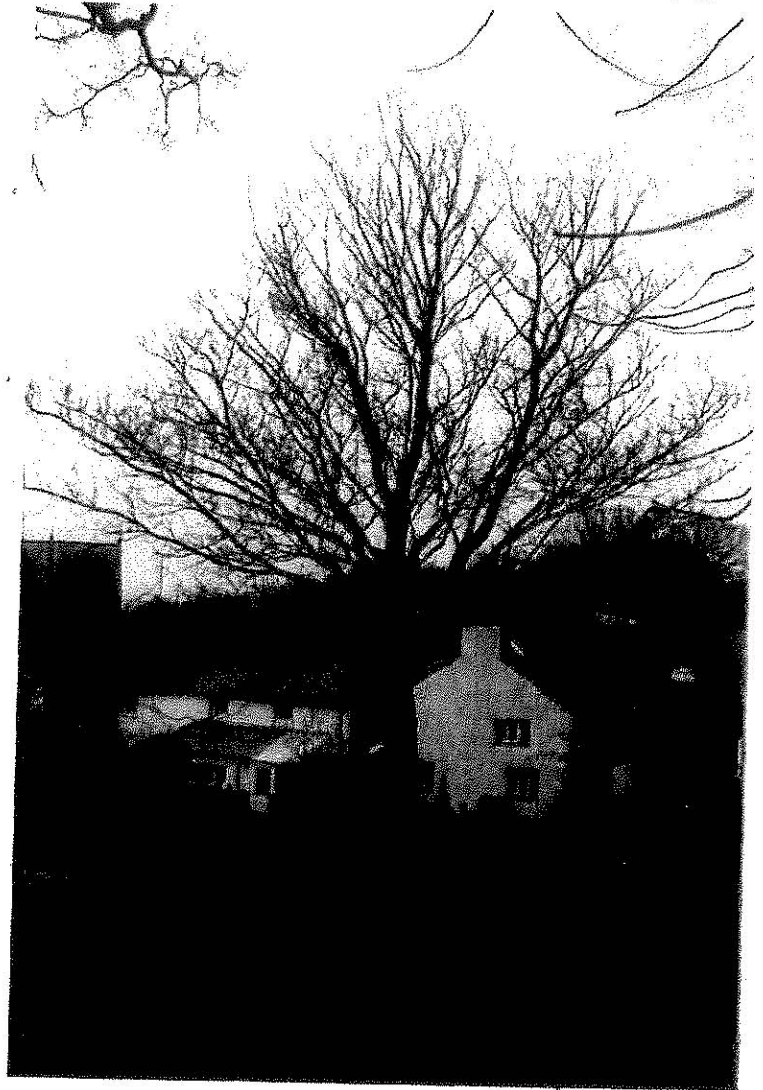
Thank you

Plan

Please attach a map showing the location of tree(s) scale 1:1250 or 1:2500, you may wish to provide further information and draw a sketch plan in the space below showing the location of the tree(s) in relation to the surrounding features etc.

PLAN ATTACHED TOGETHER WITH 2 PHOTOS SHOWING TREE FROM
DIFFERENT ANGLES

B.



CORNER OF HOUSE

ON A.

A.

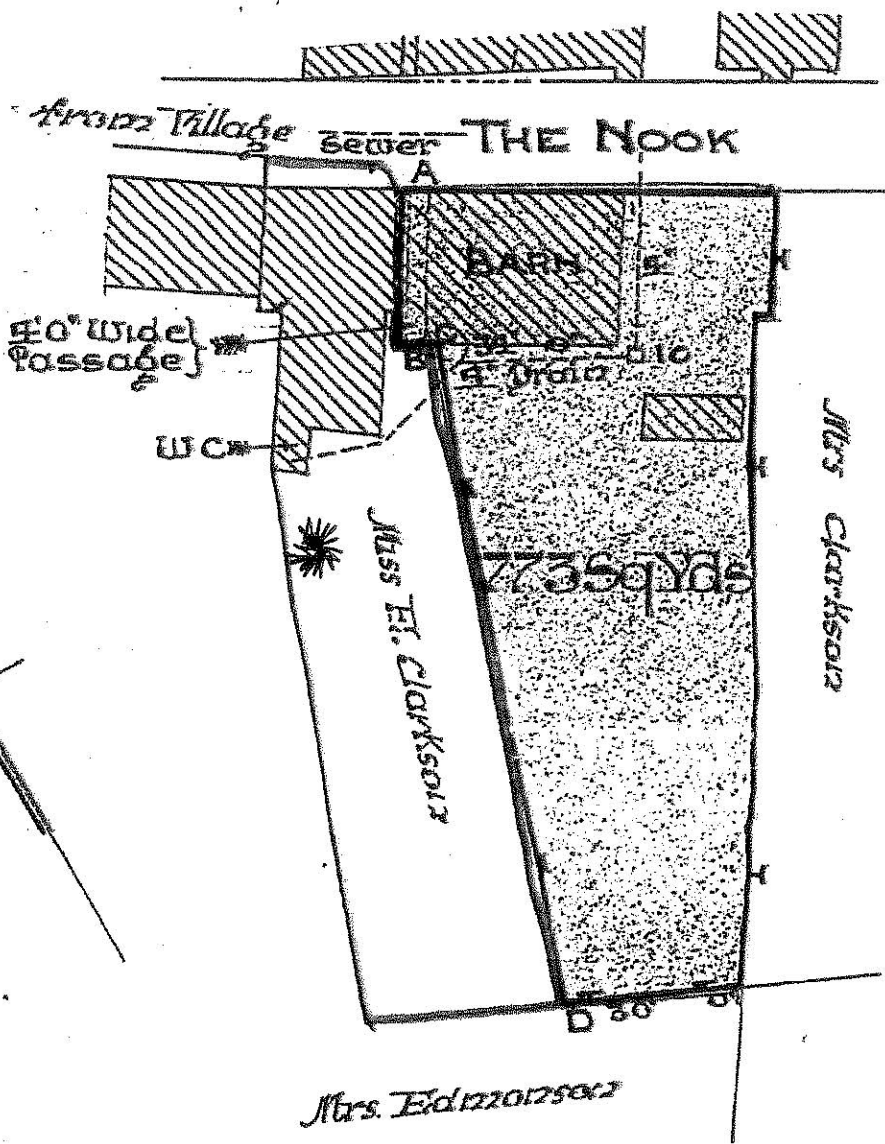


CORNER OF HOUSE

ON B.

PLAN REFERRED TO

Lanes: Ordnance Sheet
XXIV 15. 310



Appendix No. 5

Photographs of T1

TI

8 The Nook
Bolton 12 Sands

TI



no. 8 The Nook
BLS

APPEALS COMMITTEE**TREE PRESERVATION ORDER NO. 436 (2008):
TREES ESTABLISHED TO THE REAR OF
31 STANHOPE AVENUE AND LAND TO THE REAR OF
29A STANHOPE AVENUE, MORECAMBE****8TH JULY 2008****REPORT OF HEAD OF DEMOCRATIC SERVICES****PURPOSE OF REPORT**

To enable Members to consider the objection received to Tree Preservation Order No. 436 (2008): trees established to the rear of 31 Stanhope Avenue and land to the rear of 29A Stanhope Avenue, Morecambe.

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. 436 (2008): trees established to the rear of 31 Stanhope Avenue and land to the rear of 29A Stanhope Avenue, Morecambe.

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. 436 (2008), which has been made in relation to trees identified in a total of six groups: groups 2 to 6 (G2-G6).
- 1.3 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.
- 1.4 The report of the City Council's Tree Protection Officer is attached (pages 27 to 29).

Appended to the report are:

- Appendix 1 - *Copy of the original Tree Preservation Order No. 436 (2008) (pages 30 to 37);*
- Appendix 2 - *Tree Evaluation Method for Preservation Orders (TEMPO) (pages 38 and 39);*
- *Appendix 3 – Photographs (pages 40 to 42);*
- *Appendix 4 – Correspondence and objection in relation to TPO No. 436 (2008) (pages 43 to 49);*

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. 436 (2008).

3.0 Details of Consultation

3.1 There has not been any consultation at this stage.

4.0 Options

4.1 The Options are:

- (1) To confirm Tree Preservation Order No. 436 (2008)
 - (a) Without modification
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 436 (2008)

5.0 Conclusion

5.1 In the light of information contained within the report and its appendices, together with legal advice given at Committee and a site visit, Members are requested to determine whether or not to confirm Tree Preservation Order No. 436 (2008).

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	Contact Officer: Jane Glenton
Tree Preservation Order No. 436 (2008)	Telephone: 01524 582068
	E-mail: JGlenton@lancaster.gov.uk
	Ref: JEG

Contact: Planning Services
Telephone: 01524 582381
FAX: 01524 582323
Email: mknagg@lancaster.gov.uk
Website: www.lancaster.gov.uk

Planning Services
Maxine Knagg
Tree Protection Officer

Palatine Hall
Dalton Square
LANCASTER LA1 1PW

Date: 24th June 2008

Appeals Committee (TPO)

Trees subject of the Appeals Committee – established to the rear of 31 Stanhope Avenue and land to the rear of 29A Stanhope Avenue, Morecambe and subjects of **Tree Preservation Order no.436 (2008)**.

This report has been produced by Maxine Knagg (BSc Hons Arboriculture), Tree Protection Officer, Lancaster City Council.

1.0 Introduction

1.1 **Site:** The trees in question are established within the curtilage of 31 Stanhope Avenue and land to the rear of 29A Stanhope Avenue, under the ownership of the owner occupiers of 29A Stanhope Avenue.

1.2 **Scope and limitation of this report:** This is an arboriculture report restricted to only those trees subject of the Appeals Committee. The information provided within this report has been gathered by means of a preliminary visual tree assessment restricted to ground level observations and inspection at the time of the site visit. A systematic and objective appraisal of the amenity value of the trees has been undertaken using the *Tree Evaluation Method for Preservation Orders (TEMPO)*. It should be noted that trees are dynamic, living organisms subject to changes in weather, climate, pest and disease, development activities and site conditions.

2.0 Site Visit

2.1 **Date:** Undertaken 28th April 2008.

2.2 **Brief Site Description:** The two properties include the rear garden of a private residential property no.31 Stanhope Avenue, and grass land to the rear of 29A Stanhope Avenue, trees are mixed evergreen and deciduous species. The grass land area includes mixed species hedgerows and fragments of former

hedgerows established along boundary lines. The land has residential properties to the east and north-east and a public cycle/footpath immediately adjacent to the southwest, White Lund Industrial Estate lies beyond the cycle path. The size and form of the hedgerow trees indicates that they have not been formally managed and have developed into mature trees with well structured crowns. Species include hawthorn, willow, elder and sycamore.

- 2.3 **Tree Removals:** A large number of trees have been removed from the garden area around the main dwelling, approximately 50-60 trees, including standard trees and hedging, species of conifer, old English variety fruit trees, hawthorn, cherry, elder, poplar, ash and sycamore. These recent removals have in effect removed the tree cover from within the main property, exposing private garden areas of adjacent properties with an associated loss of public amenity and privacy for a number of neighbouring residents.

3.0 Identification and condition of the trees:

- 3.1 The trees in question are the subjects of **Tree Preservation Order no. 436 (2008) (Appendix 1)**. The trees have been identified in a total of six groups; groups 1 - group 6 (**G1-G6**) relate directly to the objections received from Mr. Atkinson of Thomas Associates on behalf of the land owner.
- 3.2 **G1-G6** Generally the trees in question are of good condition; within the grassland area, an absence of regular maintenance of the hedgerows has meant that the hedgerows have become fragmented in areas and trees have grown to develop well structured crowns and have attained the height and dimensions of mature trees.
- 3.3 Trees within the groups provide screening for a number of private residential properties and help to screen the industrial estate close by. These trees make an important contribution to urban greening along the cycle path and provide a significant resource for local wildlife communities.

4.0 Tree Preservation Order

- 4.1 The amenity value of trees within **G1-G6** has been assessed using an objective and systematic approach (Tree Evaluation Method for Preservation Orders - *TEMPO* system). A score of 15+ was achieved supporting the action of serving a Tree Preservation Order (**Appendix 2**).
- 4.2 Trees within **G1-G6** contribute significantly to the local amenity by providing the following:
- important visual amenity
 - improvements in air quality, screening, and privacy
 - important wildlife resource
- 4.3 Lancaster City Council considers it expedient in the interests of amenity to make provision for the preservation of the groups of trees in question **under sections 198, 201 and 203 of the Town & Country Planning Act 1990**. Lancaster City Council cite the following reasons. Trees are:

- provide important public amenity benefits
- potential threat from inappropriate management
- important wildlife resource

It is the view of Lancaster City Council that damage or removal of these trees would have a detrimental impact on the amenity value of the local area and as such trees should be afforded protection by serving a Tree Preservation Order.

Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer, Planning Services
Lancaster City Council

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 436 (2008)

---ooOoo---

I hereby certify that this is a true copy of the original order.

A.M. Kendrick 1.5.08

RELATING TO TREES LOCATED AT
31 STANHOPE AVENUE AND
LAND TO THE REAR OF 29A STANHOPE AVENUE
MORECAMBE

TOWN HALL
LANCASTER
LA1 1PJ

- (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 Permitted 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 provision of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part 1 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.

(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 or 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.

[Applications 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

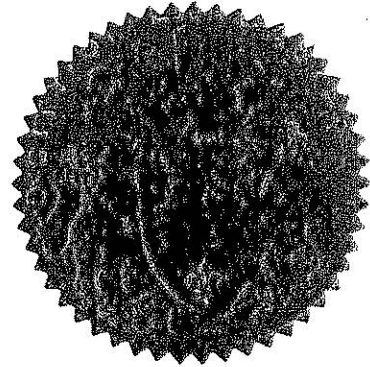
11. This Order takes effect in accordance with subsection (3) of section 300 (tree preservation orders in anticipation of disposal of Crown land).]

Dated this 1st day of May 2008

THE COMMON SEAL of
THE CITY COUNCIL OF LANCASTER
was hereunto affixed in the presence of:-

[Handwritten signature]

Corporate Director (Regeneration)



SEAL REGISTER
No: 21661

SCHEDULE 2

PART I

Provisions of the Town and Country Planning Act 1990 applied
with 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>(i) Omit:- "in such manner as may be prescribed by a development order," "such" in the second place where it appears, and "as may be so prescribed", and</p> <p>(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>(i) after "contain" insert "as regards each such order"; and</p> <p>(ii) for paragraphs (a) and (b) substitute:- "(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 it".</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>
Provision of the Town and Country Planning Act 1990 Section 70 (determination of applications: general considerations)	<p>Adaptation or Modification</p> <p>(a) In subsection (1):-</p> <p>(i) substitute:- "Subject to subsections (1A) and (1B), where" for "Where"; "the authority" for "a local planning authority",</p>

	<p>(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"</p> <p>(b) Omit subsection (2).</p> <p>(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; (a) in respect of such a failure as is mentioned in paragraph (b) 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". (d) For subsection (4) substitute:- "(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)". (e) For subsection (5), substitute:- "(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)(a)</p>	<p>(a) In subsections (1) and (2), substitute "the authority" for the local planning authority". (b) Omit subsection (3). (c) In subsection (4), substitute:- (i) "sections 70(1), (1A) and (1B)" for "sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5"; (ii) "consent under a tree preservation order" for "planning permission"; and (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". (d) Omit subsections (6) and (6A). (e) In subsection (7), omit the words after "section 78".</p>

- (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 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

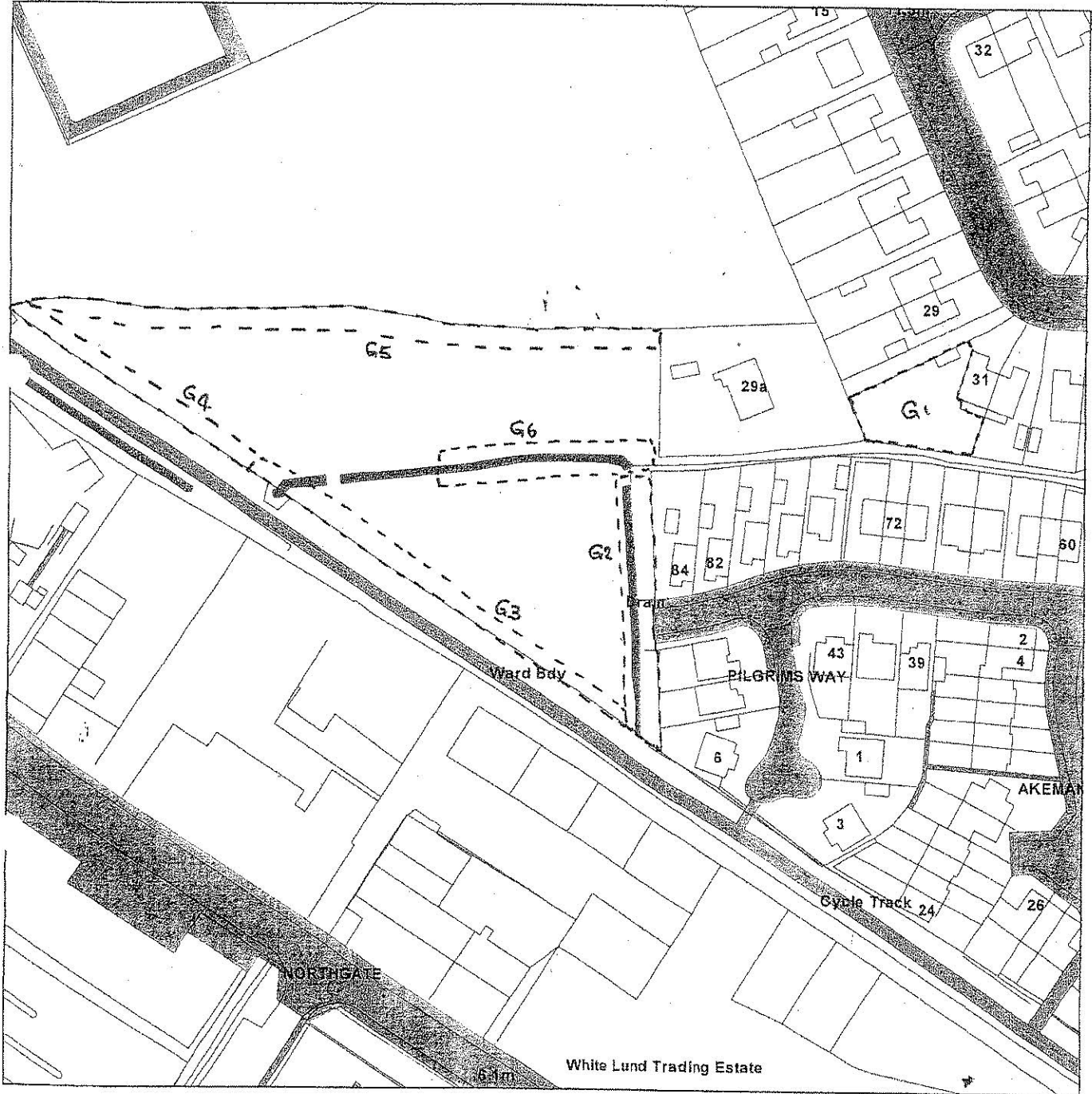
- (1) On an appeal under section 78 the Secretary of State may:-
 - (a) allow or dismiss the appeal, or
 - (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),and may deal with the application as if it has been made to him in the first 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.

31 Stanhope Avenue, & land to the rear 29A

TPO no.436 (2008)



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Lancaster City Council
Department	Planning Services
Comments	
Date	29 April 2008
SLA Number	LA100025403

Appendix 2

Tree Evaluation Method for Preserved Trees (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 28/4/08		Surveyor: M Knagg	
Tree details		Species: Holly x1	
TPO Ref: 436 (2008)	Tree/Group No: G1	Cypress x3	
Owner (if known): unknown		Bluecedar x1	
Location: 31 Starhope Ave, Morecombe			

Part 1: Amenity assessment

a) **Condition & suitability for TPO:**
Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Unsafe Unsuitable
- 0) Dead Unsuitable

Score & Notes 5 Cedar potential longevity > 100yrs. Golden wigan

b) **Remaining longevity (in years) & suitability for TPO:**
Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & Notes 4 see above Cypress + holly < 100yrs
--

c) **Relative public visibility & suitability for TPO:**

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

Score & Notes 3 Views more significant since recent + wide spread tree removals
--

d) **Other factors**

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Score & Notes 2 Ownership of property should change.
--

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total: 15+

Decision: Serve TPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 28/4/08 Surveyor: M. Kragg

Tree details
 TPO Ref: 436 (2008) Tree/Group No: G2-G6 Species: Hawthorn
 Owner (if known): @ 29A Stanhope Ave Elder
 Location: 29A Stanhope Ave., Morecabe Willow
 Sycamore

Part 1: Amenity assessment

a) Condition & suitability for TPO:

Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Unsafe Unsuitable
- 0) Dead Unsuitable

Score & Notes 5

b) Remaining longevity (in years) & suitability for TPO:

Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & Notes 4
 Sycamore Potential longevity
 > 100yrs.

c) Relative public visibility & suitability for TPO:

Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

Score & Notes
 4 clearly visible from
 public highway

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Score & Notes 2
 wide spread tree removals
 within garden area no 29A.
 Approx 50-60 trees felled.

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:
 15+

Decision:
 Serve TPO

Appendix 3

Photographs

Page 41
28th April 2008
29A Stanhope Avenue
Morecambe

1.



2.



28th April 2008

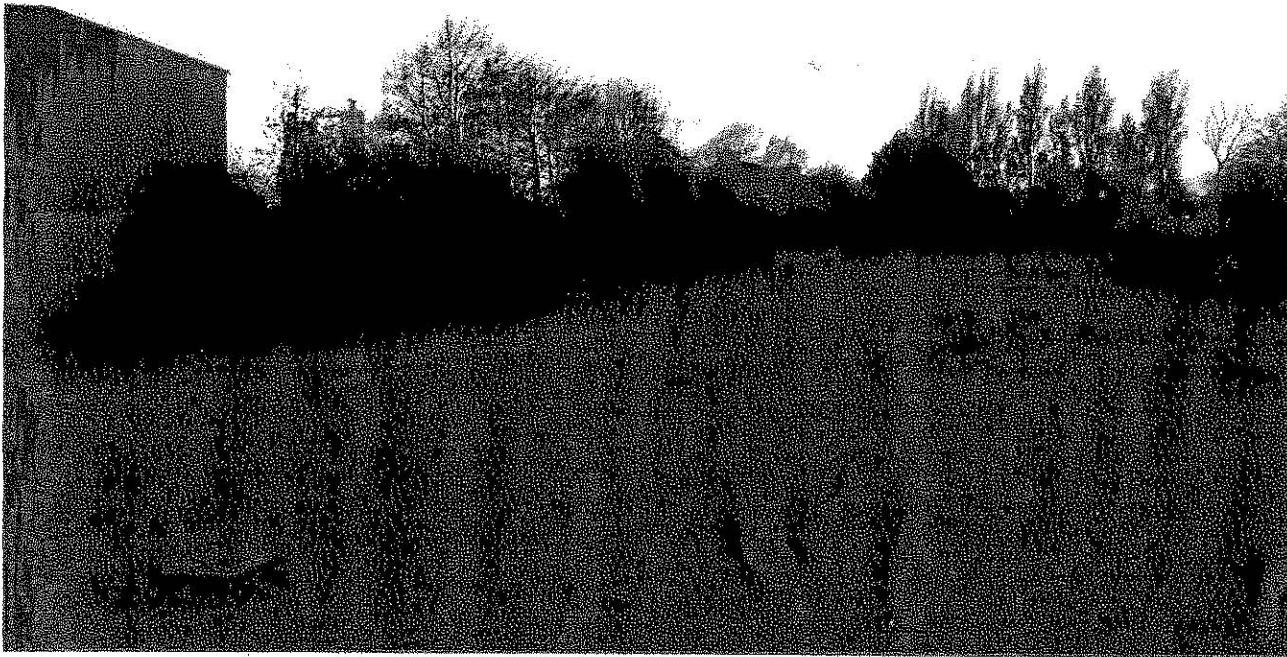
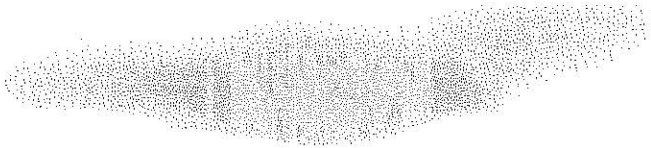
Land to rear:

29A Stanhope Ave, Morecabin

3.

TPO no. 436(2008)

G2-G6



4.

White Land
Industrial Estate

cycle path



Document is Restricted