

APPEALS COMMITTEE

1.00 P.M.

10TH DECEMBER 2008

PRESENT:- Councillors Sheila Denwood (Chairman), Helen Helme (Vice-Chairman) and Bob Roe

Apologies for Absence:-

Councillors Janice Hanson, David Kerr and Janie Kirkman

Officers in attendance:-

Angela Parkinson
Maxine Knagg
Sharon Marsh

Senior Solicitor
Tree Protection Officer
Democratic Support Officer

9 SITE VISITS

Prior to the commencement of the meeting, site visits to Abbeyfield, Cove Road, Silverdale and 27 Belle Vue Terrace, Greaves Road, Lancaster were undertaken, in response to objections received to Tree Preservation Order Nos. 443 and 445.

The following Members were present on the site visits:

Councillors Sheila Denwood, Helen Helme, Bob Roe and Ian McCulloch.

Officers in attendance:

Maxine Knagg and Sharon Marsh.

10 MINUTES

The Minutes of the meetings held on 8th July 2008 and 22nd July 2008 were signed by the Chairman as a correct record.

11 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

12 DECLARATIONS OF INTEREST

Councillor Sheila Denwood declared an interest in Tree Preservation Order 445, (Minute 13 refers) as she knew the residents of 27 Belle Vue Terrace, and took no part in consideration of the item.

13 TREE PRESERVATION ORDER NO. 443 (2008): TREE ESTABLISHED WITHIN THE CURTILAGE OF ABBEYFIELD, COVE ROAD, SILVERDALE

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 a number of trees established in the curtilage of Abbeyfield, Cove Road, Silverdale

identified in two groups, G1 and G2 and two large areas, A1 and A2.

G1 was a group of mixed species trees including maple, beech, yew, horse chestnut and lime; G2 included 2 lime trees and a purple beech tree. A1 and A2 included a large number of mixed species evergreen and deciduous trees all of which were the subjects of Tree Preservation Order No. 443 (2008) (TPO).

The Tree Protection Officer advised that the property was a care facility with extensive tree cover around all boundaries and within the site around buildings and car park facilities. The tree population was diverse in terms of species and age classification and there were important individual trees within the site as well as collectively being an important component of the AONB in which the site sits. The trees were clearly visible from a number of neighbouring residential properties, public highway and public footpaths including the foreshore area.

It was noted that the trees were under threat from the proposed development of the site. The planning application relating to the site would be considered as a separate planning matter from the TPO.

The amenity of the trees had been assessed using an objective and systematic approach (Tree Evaluation Method for Preservation Orders – TEMPO). A score of 15+ had been achieved which supported the action of serving a TPO.

It was reported that 3 letters had been received in objection to the TPO. The main points for objection were outlined and the Tree Protection Officer addressed the objections raised.

Members directed questions to the Tree Protection Officer.

The Tree Protection Officer advised the Committee that she did not believe extra costs would be incurred by the site owner because the trees were subject to a TPO.

(The Committee adjourned 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. 443 (2008)
 - (a) Without modification
 - (b) Subject to such modification as is considered expedient
- (2) Not to confirm Tree Preservation Order No. 443 (2008)

It was proposed that Tree Preservation Order No. 443 (2008) be confirmed subject to the exclusion of A2.

Members felt that there was no threat to A2 and that these trees were well managed and maintained.

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 to give their decision. The Tree Protection Order returned to the meeting at this point.)

Resolved:

That Tree Preservation Order No. 443 (2008) be confirmed subject to the exclusion of A2 from the order.

Councillor Sheila Denwood had declared an interest in the following item as she knew the residents of 27 Belle Vue Terrace, and took no part in consideration of the item. Councillor Helen Helme took the Chair for the following item only as Vice-Chairman.

14 TREE PRESERVATION ORDER NO. 445 (2008): TREE ESTABLISHED TO THE FRONT OF 27 BELLE VUE TERRACE, GREAVES ROAD, LANCASTER

The Tree Protection Officer presented a report that enabled Members to consider 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 Tree Preservation Order (TPO) No. 445 (2008): tree established to the front of 27 Belle Vue Terrace, Greaves Road, Lancaster identified as T1.

It was noted that T1 fell within the city conservation area and therefore an application had to be made in order to fell or alter the tree in any way. T1 was a mature silver birch, of a single stem form. T1 was in overall good condition and in a good state of health and vigour. The tree was highly visible from the public highway and was an appropriate species for its location making a significant contribution to local amenity.

It was reported that another tree identified as T2 was situated in close proximity to T1 and that T2 was considered to be unbalanced due to its closeness to T1. The remaining life potential of T1 was in excess of 100 years and had the potential to triple its size during this period. T1 was unlikely to increase in size much in its remaining life span of 10 to 20 years.

Lancaster City Council had received a notification to fell T1 whilst retaining T2.

The amenity of the tree (T1) had been assessed using an objective and systematic approach (Tree Evaluation Method for Preservation Orders – TEMPO). A score of 15+ had been achieved which supported the action of serving a TPO.

The Tree Protection Officer advised that both trees had significant amenity value to justify serving a TPO, however, given the location of T2 so close to the boundary retaining wall, its growth and life potential, it was not considered appropriate to serve T2 with a TPO. T1 was considered to be worthy of retaining and serving with a TPO.

It was reported that a letter had been received in objection to the TPO. The main points for objection were outlined and the Tree Protection Officer addressed the objections raised.

Members directed questions to the Tree Protection Officer.

The Tree Protection Officer advised the Committee that it was difficult to know whether the roots of T1 were to blame for the crack in the stairway without a structural report provided as supporting evidence. It was noted that the owners had been requested to provide a structural assessment to prove that the damage had been caused by T1, but that nothing had been received. It was not acceptable to assume that it was T1 causing the damage.

(The Committee adjourned to consider the evidence. The Tree Protection Officer and Councillor Denwood left the meeting at this point.)

Members considered the options before them:

- (3) To confirm Tree Preservation Order No. 445 (2008)
 - (a) Without modification
 - (b) Subject to such modification as is considered expedient
- (4) Not to confirm Tree Preservation Order No. 445 (2008)

It was proposed that Tree Preservation Order No. 445 (2008) be confirmed.

Members felt that there was no evidence to support the claim that T1 was causing any damage.

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 to give their decision. The Tree Protection Order and Councillor Denwood returned to the meeting at this point.)

Resolved:

That Tree Preservation Order No. 445 (2008) be confirmed.

Chairman

(The meeting ended at 15.50 p.m.)

**Any queries regarding these Minutes, please contact
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