

APPEALS COMMITTEE

1.00 P.M.

24TH APRIL 2017

PRESENT: Councillors Claire Cozler (Chairman), Tracy Brown (substitute for Oscar Thynne), Janice Hanson (substitute for Roger Sherlock), Joan Jackson, Terrie Metcalfe and Peter Yates (substitute for Helen Helme) (for Minutes No. 14 to 18 and 20 only)

Apologies for Absence:

Councillors Jon Barry, Helen Helme, Roger Sherlock and Oscar Thynne

Officers in Attendance:

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

14 **SITE VISITS: TREE PRESERVATION ORDERS NO. 589 (2016) AND NO. 595 (2017)**

Prior to commencement of the meeting, site visits were undertaken in response to objections received to the two Tree Preservation Orders.

The following Members were present on the site visits:

Councillors Claire Cozler (Chairman), Tracy Brown, Janice Hanson, Joan Jackson, Terrie Metcalfe and Peter Yates.

Officers in Attendance:

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

15 **APPOINTMENT OF VICE-CHAIRMAN**

It was proposed by Councillor Brown and seconded by Councillor Hanson that Councillor Metcalfe be appointed Vice-Chairman of the Appeals Committee for the Municipal Year 2016/17. There being no further nominations, the Chairman declared the proposal to be carried.

Resolved:

That Councillor Metcalfe be appointed Vice-Chairman of the Appeals Committee for the Municipal Year 2016/17.

16 **MINUTES**

The Minutes of the meeting held on 17th March 2016 were signed by the Chairman as a correct record.

17 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

18 DECLARATIONS OF INTEREST

Members were advised of the following declaration of interest:

Councillor Yates declared an interest in Minute No. 18 – Tree Preservation Order No. 589 (2016) – The Corner House, Woodwell Lane, Silverdale – having relatives who lived in the vicinity. Councillor Yates advised that he would leave the meeting room during discussion of the item and would not discuss or vote on the matter.

MATTERS FOR DECISION

Councillor Yates had previously declared an interest in the following item and left the meeting room during its consideration and did not vote on the matter.

19 TREE PRESERVATION ORDER NO. 589 (2016) - THE CORNER HOUSE, WOODWELL LANE, SILVERDALE

The Committee received the report of the Democratic Services Manager to enable Members to consider the objections received to Tree Preservation Order No. 589 (2016) in relation to a single tree established within the curtilage of The Corner House, Woodwell Lane, Silverdale, and woodland trees established on immediately adjacent land understood to be under the control of the local Parish Council, and thereafter whether or not to confirm the Order.

Members were advised that Lancaster City Council had made Emergency Tree Preservation Order No. 589 (2016) on 5th December 2016, following receipt of a complaint from a member of the public concerning a large number of trees that had been felled from within the curtilage of The Corner House, Woodwell Lane, Silverdale.

The Order had been made and served to safeguard the remaining trees, known as Area A1, with immediate effect. The Area comprised two individual trees, T1 – Ash, T2 – Holly and W1 and W2 – two compartments of mixed species woodland trees.

The Council had received a letter in objection to the Order from Mrs. Adele Higham (dated 1st January 2017), which was accompanied by a petition supporting the objection to the Order, and a letter in objection from Mr. and Mrs. Spenley (dated 12th January 2017).

Two letters had been received in support of the Order from Mrs. Lucy Scrase (dated 1st January 2017) and Mr. Guy Booth and his mother (dated 17th February 2017).

In determining whether or not to confirm the Tree Preservation Order, Members considered the letters received, which were set out in the Agenda, and heard representations from Mr. Chris Boardman, partner of Mrs. Adele Higham, speaking in objection to the Order, and Mr. Guy Booth, speaking in support.

Mr. Chris Boardman (Objector)

Mr. Boardman informed Members that he and Mrs. Higham had bought The Corner House for their retirement. The property and garden had been neglected for many years. As part of the renovation works, they planned to clear the garden, which had become a jungle, to make it aesthetically pleasing and attract wildlife. They had made wide-ranging enquiries and had taken professional advice in order to do this.

Due to a leaning tree, their furniture van had been unable to access their drive. Photographs of the tree were circulated at the meeting. In order to follow the correct procedure, Mr. Boardman had contacted Lancashire County Council and carried out a Land Charges search to see who was responsible for the tree. Correspondence from the County Council was circulated for Members to read.

Following further enquiries, Mr. Boardman had found out that the Parish Council was responsible and had contacted them. The Parish Council had proposed that the leaning tree could be cut down to its base, and had referred to the fir trees on the verge, which were affecting the overhead cables supplying The Corner House. The Parish Council suggested that they be removed and advised that they did not have the funding for this. Tree surgeons working in the area had subsequently been contacted, vetted and hired to undertake the works and grind the stumps to the ground. T2 – the Holly tree, had been kept, with a view to nurturing it back to good health. The works had been carried out in a proper and controlled manner.

Mr. Boardman advised that the Order was unnecessary and could have a negative effect on the area. The Emergency Tree Preservation Order had been made after the tree surgeons had left the site. If the City Council had contacted Mr. Boardman, Mrs. Higham or the Parish Council, it would have been evident that no trees were at risk, and the hearing and subsequent expense would have been unnecessary.

The timing of the Order would prevent Mr. Boardman and Mrs. Higham from managing their garden and frustrate their plans to plant native trees, due to the paperwork involved in a Tree Preservation Order. The Parish Council was responsible for managing trees on the verge and would not want to be encumbered by the constraints of a Tree Preservation Order, as they had neither the staff nor the funds.

Mr. Boardman advised that all works had been carried out, following consultation, and in a professional manner. It had taken only one hour to obtain signatures for the petition in objection to the Order, and there had been only two letters in support. Their only aim was to improve the look of the house and garden and to encourage wildlife.

Following Mr. Boardman's representation, Members of the Committee had the opportunity to question Mr. Boardman on his representation.

Guy Booth (Supporter)

Mr. Booth informed Members that he had not met Mr. Boardman until the meeting and Mr. Boardman's presentation had satisfied him that he did not intend to cover the area in concrete. He and his mother had had no contact with The Corner House, but knew its history well, having lived in the area for many years.

There had been local speculation that the owner of The Corner House had got up a

petition with the aim of having every tree along Woodwell Lane felled. Having spoken to the Tree Protection Officer, Mr. Booth had been assured that no such aim was the intention of the owners of The Corner House.

He and his mother would wish to see a properly planned Woodland Management Scheme along Woodwell Lane, carried out by professional tree surgeons approved by Lancaster City Council. The aim would be to enhance the tranquil wooded beauty of Woodwell Lane and leave visitors, residents of the Lane and locals thinking that nothing had been touched.

Mr. Booth advised that he would still support the Tree Preservation Order, in the knowledge that it was no longer an emergency situation. He and his mother felt that the change at The Corner House had been a breath of fresh air, but had been concerned regarding the cutting of trees. However, he was now satisfied that Mr. Boardman had undertaken the works properly.

Following Mr. Booth's representation, Members of the Committee had the opportunity to question Mr. Booth on his representation.

Lancaster City Council's Tree Protection Officer

The Tree Protection Officer reported that the Emergency Tree Preservation Order had been made following a complaint from a member of the public, who had been concerned that a large number of trees and vegetation had been removed. There had been a sense of urgency surrounding the removal of what was considered by the complainant to have been a relatively large number of trees, including the removal of a tree established on the local Parish Council land.

The Order had been made and served to safeguard the remaining trees as a matter of urgency. The remaining trees were protected with immediate effect and designated as an Area. In effect, all trees established within Area 1 (A1) of the Order were protected.

The trees, the subject of the Order, made an important contribution to the character and appearance of the immediate and wider locality. They were entirely in keeping with the wider Area of Outstanding Natural Beauty (AONB) and had the potential to support a range of wildlife communities, including protected species, such as nesting birds and bats. Both groups were protected under the Wildlife & Countryside Act 1981 (as amended 2010).

The Tree Protection Officer advised that, in the view of the Secretary of State, a Tree Preservation Order should be used to protect selected trees and woodland if their removal would have a significant impact on the local environment and its enjoyment by the public. Local Planning Authorities (LPAs) should be able to show that a reasonable degree of public benefit would accrue before the Tree Preservation Orders were made or confirmed.

The trees or woodland, or at least part of them, should normally be visible from a public place, such as a road or footpath, although the inclusion of other trees may be justified. The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape. Members were advised that a tree that was dead or in a dangerous condition was exempt from a Tree Preservation Order.

To assess the amenity value of the trees in a structured and consistent way, taking into account the visibility of the trees from a public vantage point, the individual impact of a tree or the collective impact of a group of trees and the wider impact of the trees, their significance to their particular setting, as well as the presence of other trees in the vicinity, Lancaster City Council used a Tree Evaluation Method for Preservation Orders (TEMPO).

The system, when used by an individual suitably trained and experienced in the assessment of trees, could be a useful tool to demonstrate key elements of the decision-making process, resulting in a final total score and outcome indicator. The system in itself was not a decision-making process. A cumulative score of 17 had been achieved, indicating that at the time of the initial assessment, the trees in question definitely merited protection within a Tree Preservation Order.

The City Council recommended that the trees in question were designated as two individual trees: T1 – Ash, T2 – Holly, W1 and W2 – two compartments of mixed species woodland trees. Dominant species were ash, sycamore, cherry and elm. However, whatever species were present today, and whatever species colonised the area in the future, would be protected under the woodland designation.

Lancaster City Council recommended that Tree Preservation Order No. 589 (2016) be confirmed with modifications to change the existing Area designation to that of two individual trees, T1 and T2, and two woodland compartments, W1 and W2, in the interest of amenity and wildlife benefit.

Following the Tree Protection Officer's representation on behalf of Lancaster City Council, Members of the Committee had the opportunity to question the Tree Protection Officer on her representation.

Mr. Boardman and Mr. Booth then had the opportunity to reply.

(The Tree Protection Officer, Mr. Boardman and Mr. Booth left the meeting room whilst the Committee made its decision in private.)

Members considered the options before them:

- (1) To confirm Tree Preservation Order No. 589 (2016)
 - (a) Without modification;
 - (b) Subject to such modification as was considered expedient.
- (2) Not to confirm Tree Preservation Order No. 589 (2016).

It was proposed by Councillor Joan Jackson and seconded by Councillor Brown:

“That Tree Preservation Order No. 589 (2016) be confirmed with modifications to change the existing Area designation to that of two individual trees, T1 and T2, and two woodland compartments, W1 and W2, in the interest of amenity and wildlife benefit.”

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

(The Tree Protection Officer, Mr. Boardman and Mr. Booth returned to the meeting room for the decision to be announced.)

Resolved:

That Tree Preservation Order No. 589 (2016) be confirmed with modifications to change the existing Area designation to that of two individual trees, T1 and T2, and two woodland compartments, W1 and W2, in the interest of amenity and wildlife benefit.

Councillor Yates returned to the meeting room at this point.

20 TREE PRESERVATION ORDER NO. 595 (2017) - 51 MEADOW PARK, GALGATE

The Committee received the report of the Democratic Services Manager to enable Members to consider the objection received to Tree Preservation Order No. 595 (2017) in relation to a single Beech tree (T1) established within the curtilage of 51 Meadow Park, Galgate, and thereafter whether or not to confirm the Order.

Members were advised that 51 Meadow Park backed onto Lancaster Canal, which was designated a Biological Heritage Site (BHS). T1 was growing at the furthest point from the main dwelling and sat immediately adjacent to the Canal. The Beech tree could be seen from the wider public domain, notably from the waterway and its associated towpath.

The tree owner had made Lancaster City Council aware of concerns that the tree could be under threat from injudicial pruning to control overhanging branches. Following an assessment, Tree Preservation Order No. 595 (2017) had been made on 7th February 2017.

The Council had received a letter of objection to the Tree Preservation Order, dated 2nd March 2017, from Mr. A. J. Hargreaves. A further letter, dated 14th April 2017, had been received from Mr. Hargreaves, advising that he was unable to attend the hearing and reiterating his objections to the Order. The letter had been circulated to Members prior to the hearing.

In determining whether or not to confirm Tree Preservation Order No. 595 (2017), Members considered the points raised in Mr. Hargreaves' letters, and had the opportunity to raise questions regarding them.

Lancaster City Council's Tree Protection Officer

The Tree Protection Officer reported that T1 was a large, mature Beech tree established within the curtilage of 51 Meadow Park, Galgate, to the rear of the property and close to the Canal.

Members were advised that the tree was an important element of the BHS, contributing to the development and maintenance of the green corridor along the canal and the creation of important opportunities for wildlife. T1 had the potential to provide habitat and foraging opportunities for protected species, such as nesting birds and bats, both groups being protected under the Wildlife & Countryside Act 1981 (as amended (2010)).

The tree was highly visible from the wider public domain, notably the foot and towpaths along the Canal. The tree had grown to attain large proportions, such that it was now a dominant landscape feature.

T1 had been assessed using a TEMPO system and had attained a score of 14 - Tree Preservation Order defensible.

Lancaster City Council had considered it expedient in the interests of amenity to make provision for the preservation of T1 under Sections 198, 201 and 203 of the Town & Country Planning Act 1990. The Order had been made to ensure the safe retention and protection of T1 long into the future, subject to its good health, vitality and stability, and it was recommended that the Tree Preservation Order be confirmed without modification.

Following the Tree Protection Officer's representation on behalf of Lancaster City Council, Members of the Committee had the opportunity to question the Tree Protection Officer on her representation.

(The Tree Protection Officer left the meeting room whilst the Committee made its decision in private.)

Members considered the options before them:

- (1) To confirm Tree Preservation Order No. 595 (2017)
 - (a) Without modification;
 - (b) Subject to such modification as was considered expedient.
- (2) Not to confirm Tree Preservation Order No. 595 (2017).

It was proposed by Councillor Brown and seconded by Councillor Yates:

"That Tree Preservation Order No. 595 (2017) be 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 Tree Protection Officer returned to the meeting room for the decision to be announced.)

Resolved:

That Tree Preservation Order No. 595 (2017) be confirmed without modification.

Chairman

(The meeting ended at 2.39 p.m.)

**Any queries regarding these Minutes, please contact
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