

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)

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