

# **APPEALS COMMITTEE**

## **Tree Preservation Order No. 526 (2013) 7 March 2014**

### **Report of Chief Officer (Governance)**

#### **PURPOSE OF REPORT**

To enable Members to consider an objection received to Tree Preservation Order No. 526 (2013) relating to a single tree established on County Council land, adjacent to Darwen House, 52 Main Road, 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 5A of Schedule 12A of the Local Government Act 1972) as amended by the Local Government (Access to Information) (Variation) Order 2006.**

#### **RECOMMENDATIONS**

**That Members consider the objection to Tree Preservation Order No. 526 (2013) relating to a single tree established on County Council land, adjacent to Darwen House, 52 Main Road, Bolton-le-Sands, and thereafter whether or not to confirm the Order.**

##### **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. 526 (2013) relating to a single tree established on County Council land, adjacent to Darwen House, 52 Main Road, Bolton-le-Sands.
- 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 29 - 32).

Appended to the report are:

- Appendix 1 – *Section 211 Notice (13/0108/TCA) (pages 33 - 43);*
- Appendix 2 – *Tree Preservation Order No. 526 (2013) (pages 44 - 48);*
- Appendix 3 – *Tree Evaluation Method for Preservation Orders (TEMPO) (pages 49 - 50);*

- Appendix 4 – *Tree Protection Officer’s Initial Report (pages 51 – 53);*
- Appendix 5 – *Letter of Objection from Mr. M. Garnett of 52 Main Road, Bolton-le-Sands dated 13 October 2013 (pages 54 - 56);*
- Appendix 6 – *Lancaster City Council’s Full Response dated 12 November 2013 from Lancashire County Council (pages 57 - 59);*
- Appendix 7 - *Tree Works Application in relation to TPO No. 526 (2013) (pages 60 - 66);*
- Appendix 8 – *Decision Notice in connection with works to the canopy of the tree (page 67 - 70).*

## **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. 526 (2013).

## **3.0 Details of Consultation**

3.1 Tree Preservation Order No. 526 (2013) was made and advertised in the usual way, and an objection was received.

## **4.0 Options**

- (1) To confirm Tree Preservation Order No. 526 (2013) -
  - (a) Without modification;
  - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 526 (2013).

## **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. 526 (2013).

<b>CONCLUSION OF IMPACT ASSESSMENT</b> (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) Not applicable.	
<b>LEGAL IMPLICATIONS</b> A Legal Officer will be present at the meeting to advise the Committee .	
<b>FINANCIAL IMPLICATIONS</b> Not applicable.	
<b>BACKGROUND PAPERS</b> Tree Preservation Order No. 526 (2013)	<b>Contact Officer:</b> Jane Glenton <b>Telephone:</b> (01524) 582068 <b>Email:</b> jglenton@lancaster.gov.uk <b>Ref:</b> JEG