

APPEALS COMMITTEE

Tree Preservation Order No. 544 (2015) Relating to an area of trees and woodland established within the Ridgeway Park Estate, Lindeth Road, Silverdale 30 April 2015

Report of Chief Officer (Governance)

PURPOSE OF REPORT

To enable Members to consider the objections received to Tree Preservation Order No. 544 (2015) relating to an area of trees and woodland established within the Ridgeway Park Estate, Lindeth Road, Silverdale, and thereafter whether or not to confirm the Order.

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 objections to Tree Preservation Order No. 544 (2015) relating to an area of trees and woodland established within the Ridgeway Park Estate, Lindeth Road, Silverdale and 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. 544 (2015), which has been made in relation to an area of trees and woodland established within the Ridgeway Park Estate, Lindeth Road, Silverdale.
- 1.3 In accordance with the Regulations, it is necessary to consider the objections, and in order for the objections 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 4 to 10).

Appended to the report are:

- **Appendix 1** – *Copy of the original Tree Preservation Order No. 544 (2015) (pages 11 to 14);*
- **Appendix 2** – *Tree Protection Officer's initial report (pages 15 to 16);*
- **Appendix 3** – *Aerial photograph detailing the composition and extent of trees within the site and wider locality (page 17);*
- **Appendix 4** - *Tree Evaluation Method for Preservation Orders (TEMPO) (page 18)*
- **Appendix 5** – *Letter of objection dated 3 March 2015 received from Mr. and Mrs. Stubbs, Ridgeway Hall (pages 19 to 46);*
- **Appendix 6** – *Letter of objection dated 9 March 2015 received from Mr. and Mrs. Stubbs, Ridgeway Hall (pages 47 to 51);*
- **Appendix 7** – *Lancaster City Council's response to Mr. and Mrs. Stubbs' letters of objection dated 9 April 2015 (pages 52 to 55);*
- **Appendix 8** – *Letter of objection dated 6 March 2015 received from Roger Aitken and Alison McCleod, The Sun House (pages 56 to 73);*
- **Appendix 9** – *Lancaster City Council's response to Roger Aitken and Alison McCleod's letter of objection dated 9 April 2015 (pages 74 to 76);*
- **Appendix 10** – *Letter of objection dated 11 March 2015 received from Mr. Smith, Mawson Garden and summerhouse (pages 77 to 92);*
- **Appendix 11** - *Lancaster City Council's response to Mr. Smith's letter of objection dated 9 April 2015 (pages 93 to 95);*
- **Appendix 12** – *Plan showing suggested modification and reclassification of designation of protected trees from an 'Area' to 'Woodland' (W1) (page 96).*
- **Appendix 13** – *Letter dated 15 April 2015 from Mr. and Mrs. Stubbs submitting further evidence and information in support of their objections to TPO No. 544 (2015) (pages 97 to 100).*
- **Appendix 14** – *Letter dated 16 April 2015 from Mr. and Mrs. Stubbs in response to Lancaster City Council's letter dated 9 April 2015 (pages 101 to 103).*

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. 544 (2015).

3.0 Details of Consultation

- 3.1 Tree Preservation Order No. 544 (2015) was made and advertised in the usual way, and two objections were received.

4.0 Options

- (1) To confirm Tree Preservation Order No. 544 (2015) -
 - (a) Without modification;
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 544 (2015).

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. 544 (2015).

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing) Not applicable	
LEGAL IMPLICATIONS A Legal Officer will be present at the meeting to advise the Committee	
FINANCIAL IMPLICATIONS Not applicable.	
BACKGROUND PAPERS Tree Preservation Order No. 544 (2015)	Contact Officer: Jane Glenton Telephone: (01524) 582068 Email: jglenton@lancaster.gov.uk Ref: JEG