

# APPEALS COMMITTEE

## Tree Preservation Order No. 589 (2016) 24 April 2017

### Report of Democratic Services Manager

#### PURPOSE OF REPORT

To enable Members to consider the objections received to Tree Preservation Order No. 589 (2016) in connection with trees established within and on land immediately adjacent to The Corner House, Woodwell Lane, 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. 589 (2016) in connection with trees established within and on land immediately adjacent to The Corner House, Woodwell Lane, Silverdale, and decide 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 2012, objections have been received to Tree Preservation Order No. 589 (2016), which have been made in relation to individual trees located within and on land immediately adjacent to The Corner House, Woodwell Lane, 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 16 to 19).

Appended to the report are:

- Appendix 1 - *Copy of the original Tree Preservation Order No. 589 (2016) (pages 20 to 22);*

- Appendix 2 – *Aerial Photograph of The Corner House, dated 2013, illustrating the extent of tree cover prior to the recent removals of trees and vegetation from within and adjacent to the site, and the importance of adjacent trees and their contribution to tree cover within the wider locality (page 23);*
- Appendix 3 – *Initial report of the Tree Protection Officer (pages 24 to 25);*
- Appendix 4 – *Tree Evaluation Method for Preservation Orders (TEMPO) (page 26);*
- Appendix 5 – *Letter of objection from Mrs. Adele Higham dated 1 January 2017 and accompanying petition (pages 27 to 32);*
- Appendix 6 – *Letter of objection from Mr. and Mrs. Spenley dated 12 January 2017 (page 33);*
- Appendix 7 - *Lancaster City Council's letter of response to Mrs. Higham dated 9 March 2017 (pages 34 to 35);*
- Appendix 8 - *Lancaster City Council's letter of response to Mr. and Mrs. Spenley dated 9 March 2017 (pages 36 to 37);*
- Appendix 9 - *Letter in support of the application from Mrs. Lucy Scrase dated 1 January 2017 (page 38);*
- Appendix 10 – *Letter in support of the application from Mr. G. Booth and his mother dated 17 February 2017 (pages 39 to 42);*
- Appendix 11 – *Recommended modifications/specification of trees (pages 43 to 44);*
- Appendices 11a to 11d – *Photographs of designated trees (pages 45 to 48).*

## **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. 589 (2016).

## **3.0 Details of Consultation**

- 3.1 Tree Preservation Order No. 589 (2016) was made and advertised in the usual way, and two letters of objection and a petition were received.

## **4.0 Options**

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

## **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. 589 (2016).

**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. 589 (2016)

**Contact Officer:** Jane Glenton

**Telephone:** (01524) 582068

**Email:** [jglenton@lancaster.gov.uk](mailto:jglenton@lancaster.gov.uk)

**Ref:** JEG