

APPEALS COMMITTEE

Tree Preservation Order No. 615 (2017) 1-5 Ashton Barns, Ashton Road, Ashton-with-Stodday 26 October 2017

Report of Chief Officer (Legal and Governance)

PURPOSE OF REPORT

To enable Members to consider the objection received to Tree Preservation Order No. 615 (2017) located at 1-5 Ashton Barns, Ashton Road, Ashton-with-Stodday, 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 objection to Tree Preservation Order No. 615 (2017) located at 1-5 Ashton Barns, Ashton Road, Ashton-with-Stodday, 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, an objection has been received to Tree Preservation Order No. 615 (2017), which has been made in relation to individual trees located at 1-5 Ashton Barns, Ashton Road, Ashton-with-Stodday.
- 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 35 to 38).

Appended to the report are:

- Appendix 1 - *Copy of the original Tree Preservation Order No.615 (2017) (pages 39 to 42);*
- Appendix 2a – *Photograph of one of the unprotected trees recently felled (page 43);*
- Appendices 2b and 2c – *Aerial photograph of all of the trees taken in 2013 (pages 44 to 45);*
- Appendix 2d - *Aerial photograph of the two trees before they were felled (page 46);*
- Appendix 3 – *Initial report of the Tree Protection Officer (pages 47 to 48);*
- Appendix 4 – *Copy of the Tree Evaluation Method for Preservation Orders (TEMPO) (page 49);*
- Appendix 5 – *Letter of objection received from the land and tree owner dated 25 July 2017 (pages 50 to 52);*
- Appendix 6 – *Copy of Lancaster City Council’s letter of response dated 25 September 2017 (pages 53 to 55);*
- Appendix 7 – *Letter from the land and tree owner, Mrs. Clark, dated 25 September 2017, confirming her position of objection to TPO No. 615 (2017) (page 56);*
- Appendix 8 – *Letter in support of TPO No. 615 (2017) from Ms. Camp (page 57).*

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. 615 (2017).

3.0 Details of Consultation

- 3.1 Tree Preservation Order No. 615 (2017) was made and advertised in the usual way, and an objection was received.

4.0 Options

- (1) To confirm Tree Preservation Order No. 615 (2017) -
- (a) without modification;
 - (b) subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 615 (2017).

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. 615 (2017).

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. 615 (2017)

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