

APPEALS COMMITTEE

Tree Preservation Order No. 622 (2017) - 57 Thirlmere Road, Lancaster 7 December 2017

Report of Chief Officer (Legal and Governance)

PURPOSE OF REPORT

To enable Members to consider the objection received to Tree Preservation Order No. 622 (2017) located at 57 Thirlmere Road, Lancaster, 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. 622 (2017) located at 57 Thirlmere Road, Lancaster, 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. 622 (2017), which has been made in relation to a single cherry tree located at 57 Thirlmere Road, Lancaster.
- 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).

Appended to the report are:

- Appendix 1 - *Copy of the original Tree Preservation Order No. 622 (2017) (pages 35 to 38);*

- Appendix 2 - *An aerial photograph (Google 2013) of the cherry tree (page 39);*
- Appendix 3 – *Copy of the Tree Protection Officer’s initial report (pages 40 and 41);*
- Appendix 4 – *Copy of the Tree Evaluation Method for Preservation Orders (TEMPO) (page 42);*
- Appendix 5 – *Copy of the letter of objection, including a series of colour photographs, from neighbours, Mr. & Mrs. McDonnell, dated 25 August 2017 (page 43 to 60);*
- Appendix 6 – *Copy of Lancaster City Council’s letter of response, dated 26 September 2017 (pages 61 and 62);*
- Appendix 7 – *Copy of the letter from Mr. & Mrs. McDonnell, confirming their wish to maintain their objection to the Tree Preservation Order, dated 2 October 2017 (pages 63 and 64);*
- Appendix 8 – *Copy of a letter in support of the Tree Preservation Order from the tree owner, Mr. Fitton (page 65 to 67).*

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. 622 (2017).

3.0 Details of Consultation

3.1 Tree Preservation Order No. 622 (2017) was made and advertised in the usual way, and one objection was received.

4.0 Options

- (1) To confirm Tree Preservation Order No. 622 (2017) -
 - (a) Without modification;
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 622 (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. 622 (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	Contact Officer: Jane Glenton
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