

# **APPEALS COMMITTEE**

## **Tree Preservation Order No. 641 (2018) Home Farm, Main Road, Galgate 28 June 2018**

### **Report of Interim Head of Legal and Governance Services**

#### **PURPOSE OF REPORT**

To enable Members to consider the objection received to Tree Preservation Order No. 641 (2018) relating to trees located on land at Home Farm, Main Road, Galgate, 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. 641 (2018) relating to trees located on land at Home Farm, Main Road, Galgate, 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. 641 (2018), which has been made in relation to trees located on land at Home Farm, Main Road, Galgate.
- 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 3 to 6).

Appended to the report are:

- **Appendix 1** - Copy of the original Tree Preservation Order No.641 (pages 7 to 10);
- **Appendix 2** – An aerial photograph of the site (2013) (page 11);
- **Appendix 3** – A copy of the Tree Protection Officer’s initial report dated 5 January 2018 (page 12);
- **Appendix 4** – A copy of the amended plan (pages 14 to 16);
- **Appendix 5** – Letter of objection from Oglethorpe, Sturton and Gillibrand, acting on behalf of the landowner, Mrs. S. Charles, dated 13 February 2018 (pages 17 and 18);
- **Appendix 6** – Letter in response from Lancaster City Council dated 5 April 2018 (pages 19 and 20);
- **Appendix 7** – A draft version of the proposed modification to the Schedule (pages 21 to 23);
- **Appendix 8** – A draft version of the associated modified plan (pages 24 to 30).

## 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. 641 (2018).

## 3.0 Details of Consultation

3.1 Tree Preservation Order No. 641 (2018) was made and advertised in the usual way, and an objection was received.

## 4.0 Options

- (1) To confirm Tree Preservation Order No. 641 (2018) -
  - (a) Without modification;
  - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 641 (2018).

## 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. 641 (2018).

### 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. 641 (2018)

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