

David & Kathleen Mills

51 Greenways Over Kellet Carnforth Lanes LA6 1DE
Tel 01524 732194 Mob 07710 168444
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11th September 2006.

Your ref: AS/TPO No. 391 (2006)

For the attention of Maxine Dobson,
Head of Planning Services,
Lancaster City Council,
Palatine Hall,
Dalton Square,
LANCASTER LA1 1PW.

Dear Sir,

Re: Revocation of Tree Preservation Order No. 391 (2006)
Lancaster City Council. Rear of Nos. 14, 13 and 12 Church Bank,
Over Kellet

Thank you for your letter of 7th September, advising us that the site had been re-surveyed and that a new Order No. 394 (2006) has been made.

We wish to object to this Order as trees in question take light from our garden, and the roots extend into our garden. These trees are also far too tall for this location.

Will you please acknowledge receipt of this Objection.

Yours faithfully,

David J. Mills *Kathleen Mills*

David J. Mills and Mrs. Kathleen Mills

LANCASTER CITY COUNCIL PLANNING DEPARTMENT	
13 SEP 2006	
Passed by	DM
2407	MK

Knagg, Maxine

From: Knagg, Maxine
Sent: 08 September 2006 16:49
To: Dobson, Andrew
Cc: Shepherd, Anne
Subject: complaint received re: TPO Church Bank, Over Kellet

Andrew

Thank you for the opportunity to provide clarity surrounding the complaint received from Mrs Audrey Cochrane.

My comments are as follows:

Mrs Cochrane has highlighted an error in the time lines in connection with serving the new Tree Preservation Order no.391 (2006). Our response has been to revoke the original order TPO no. 391 (2006).

I have resurveyed and assessed the trees subject of this order and determined once again that they have important amenity value and as such we have served a new order no.394(2006).

All interested parties, including Mrs Cochrane have been informed in writing of this action. I have attached copies of the correspondence sent out.

I will now respond directly to Mrs Cochrane's letter of complaint and issues raised.

1. Tree roots do not have the capacity to damage intact structures such as drains and sewers, this is supported by current research. The purpose of the root system is to provide structural support and derive nutrients and moisture from the soil. Inevitable roots will encounter underground constraints and the natural response of roots is to be deflected away from the obstruction and grow around or away from the structure. If a drain is already damaged then roots do then have the potential to exploit available water and nutrient reserves.
2. Lancaster City Council does not support the removal of healthy trees in response to complaints of loss of light. There is no legislation to contradict this.
3. Unfortunately, at the time of this time line error the Planning Advise Team were severely understaffed leading to delays and significant pressure. I did write to David (Hall) at the time to express my concerns. However, such an event has raised awareness and the need to be ever vigilant.

We will retain the objections received from the original order with respect to the issues raised, other than the time scale error. We have informed the interested parties appropriately.

Inevitably, I anticipate that this will go to appeal at a later date.

If you require any further information, please do not hesitate to contact me.

Thank you.

Maxine

*Maxine Knagg BSc (Hons) Arboriculture
Tree Protection Officer
Planning Services
Lancaster City Council*

08/09/2006

Contact: Maxine Knagg
Telephone: (01524) 582384
Fax: (01524) 582323
Minicom: (01524) 582175
E. mail: ashepherd@lancaster.gov.uk
Our Ref: AS/TPO No. 391 (2006)
Your Ref:

PLANNING SERVICES

Palatine Hall
Dalton Square
Lancaster
LA1 1PW
DX 63531

7 September 2006

Dear Sir/Madam

REVOCAION OF Tree Preservation Order: No. 391 (2006)
LANCASTER CITY COUNCIL:- REAR OF NOS. 14, 13 AND 12 CHURCH BANK,
OVER KELLET

It has been brought to our attention that a time line error has been made, consequently please be advised that the above Tree Preservation Order has now been revoked.

The site has been re-surveyed and we consider that the trees identified in Order No. 391 (2006) are worthy of protection with a Tree Preservation Order in the interest of public amenity. As such these trees have been included in the new Order No. 394 (2006) enclosed.

We acknowledge the written objections received with regard to T.P.O. 391 and these will be held on file and related to the new Order 394.

Yours faithfully



ANDREW DOBSON
HEAD OF PLANNING SERVICES

Enc.

The Owner/Occupier
14 Church Bank
Over Kellet
Carnforth
Lancas. LA6 1DT

T. Queen & H. Worthington
13 Church Bank
Over Kellet
Carnforth
Lancs. LA6 1DT

Audrey Cochrane
12 Church Bank
Over Kellet
Carnforth
Lancs. LA6 1DT

Mr. & Mrs. Dixon
11 Church Bank
Over Kellet
Carnforth
Lancs. LA6 1DT

Conservation of Forests
Forestry Commission
E(E) Conservancy
Great Eastern House
Tennison Road
Cambridge CB1 2DU

Mr. M. Watson
Clerk : Over Kellet Parish Council
12 Ashmeadow Road
Nether Kellet
Carnforth
Lancs. LA6 1EN

Councillor R J Sherlock
103 Lune Street
LANCASTER
Lancashire LA1 2AH

Mr & Mrs. Mills
51 Greenways
Over Kellet
Carnforth
Lancs. LA6 1DE

Contact: Anne Shepherd
Telephone: (01524) 582381
Fax: (01524) 582323
Minicom: (01524) 582175
E-mail: ashepherd@lancaster.gov.uk
Website: www.lancaster.gov.uk
Our Ref: TPO NO. 394 (2006)
Your Ref:

Planning Services

Andrew Dobson
Head of Planning Services

Palatine Hall
Dalton Square
LANCASTER LA1 1PW

See attached for names and addresses

7 September 2006

Dear Sir/Madam

IMPORTANT - THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999

Tree Preservation Order: 394 (2006)
Lancaster City Council:- REAR OF NOS. 14, 13 AND 12 CHURCH BANK, OVER KELLET

THIS IS A FORMAL NOTICE to let you know that on 7 September 2006 the Council made the above tree preservation order.

A copy of the order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, *Protected Trees: a guide to Tree Preservation Orders*, produced by the Department of the Environment, Transport and the Regions.

THE COUNCIL HAVE MADE THE ORDER BECAUSE:-

The trees are of significant importance to the amenity of the area

The Order took effect, on a provisional basis on 8 September 2006. It will continue in force on this basis for a further 6 months or until the order is confirmed by the Council, whichever first occurs.

The Council will consider whether the order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing within 28 days of receiving this notice. Your comments must comply with regulations 4 of the Town and Country Planning (Trees) Regulations 1999, a copy of which is enclosed. Send your comments to Lancaster City Council, Planning Services, Palatine Hall, Dalton Square, Lancaster LA1 1PW. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact Anne Shepherd at Lancaster City Council, Planning Services, Palatine Hall, Dalton Square, Lancaster LA1 1PW or telephone (01524) 582381.

Yours faithfully

ANDREW DOBSON
HEAD OF PLANNING SERVICES

The Owner/Occupier
14 Church Bank
Over Kellet
Carnforth
Lancas. LA6 1DT

T. Queen & H. Worthington
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Lancashire LA1 2AH

Mr & Mrs. Mills
51 Greenways
Over Kellet
Carnforth
Lancs. LA6 1DE

Audrey Cochrane,
12, Church Bank,
Over Kettle,
Carnforth.

LANCASTER CITY COUNCIL PLANNING DEPARTMENT	
- 6 SEP 2006	
Passer no.	ASD
2319	

5.9.06.

Dear Mr. Dobson,

I am writing to inform you that I am lodging an official complaint against the Planning Services at Lancaster City Council.

On 10th August 2006 I received a recorded letter from yourselves indicating that a formal notice was being given that on 18th July 2006 the City Council made a tree preservation order on a Cherry tree located to the rear of my property - no. 12 Church Bank Over Kettle.

This formal notice also states that before the order is confirmed any objections would be considered. Objections had to be made in writing within 28 days of receiving the notice.

On Monday 4th September 2006 I received another letter from the Planning Services Department informing me that as no objections had been received the order on the cherry tree had been confirmed.

I therefore wish to strongly object to this preservation order on the following points:-

- 1/ This is a large tree and as I have a main sewer running near the tree I am concerned that the roots of the tree may damage the drains.

2/ The size of the tree is restricting natural sunlight onto my garden, the garden of no. 13, Church Bank and the garden of no 51, Greenways.

3/ most importantly, the 28 day objection period laid down by yourselves has not been adhered to and therefore I believe you have passed an illegal order.

From the day I received the preliminary order on 11th August to when it was confirmed and passed on 31st August there was only a 20 day period of time and not the required 28 days.

I therefore wish to formally lodge this complaint and trust you will lift the order on the Cherry tree to the rear of 12, Church Bank.

Yours faithfully

Audrey Cochrane.

(AUDREY COCHRANE)

T A Queen & H L Worthington
13 Church Bank
Over Kellet
Carnforth
LA6 1DT

Lancaster City Council
Planning & Building Control
Palatine Hall
Dalton Square
Lancaster LA1 1PW

5th September 2006

Dear Sir/Madam

Re: Tree Preservation Order No 391 (2006)

We hereby lodge a formal objection to tree preservation order number 391 (2006)

There are four trees falling under the order, the reason for the order been that the trees "benefit the public amenity" of the area.

We fully understand the reason for the order and have no objection to the general public utilising the public footpath, enjoying the "view" when looking into the respective gardens of 12, 13 and 14 Church Bank.

However, referring to the attached sketch and general layout plan, we feel that one of the trees in Group 1 (13 Church Bank) and tree T2 (13 Church Bank) do not warrant a preservation order on the grounds of "benefiting the public amenity". Both these trees are well within the private land of the respective properties and do not even overhang the public area.

Consequently, we object to the two above-mentioned trees being subject to a preservation order. We would wish to continue, as has happened for the past fifteen years, to prune/lop low hanging branches from the trees without the need to apply to yourselves for permission, or possibly employ a professional person with extra financial costs.

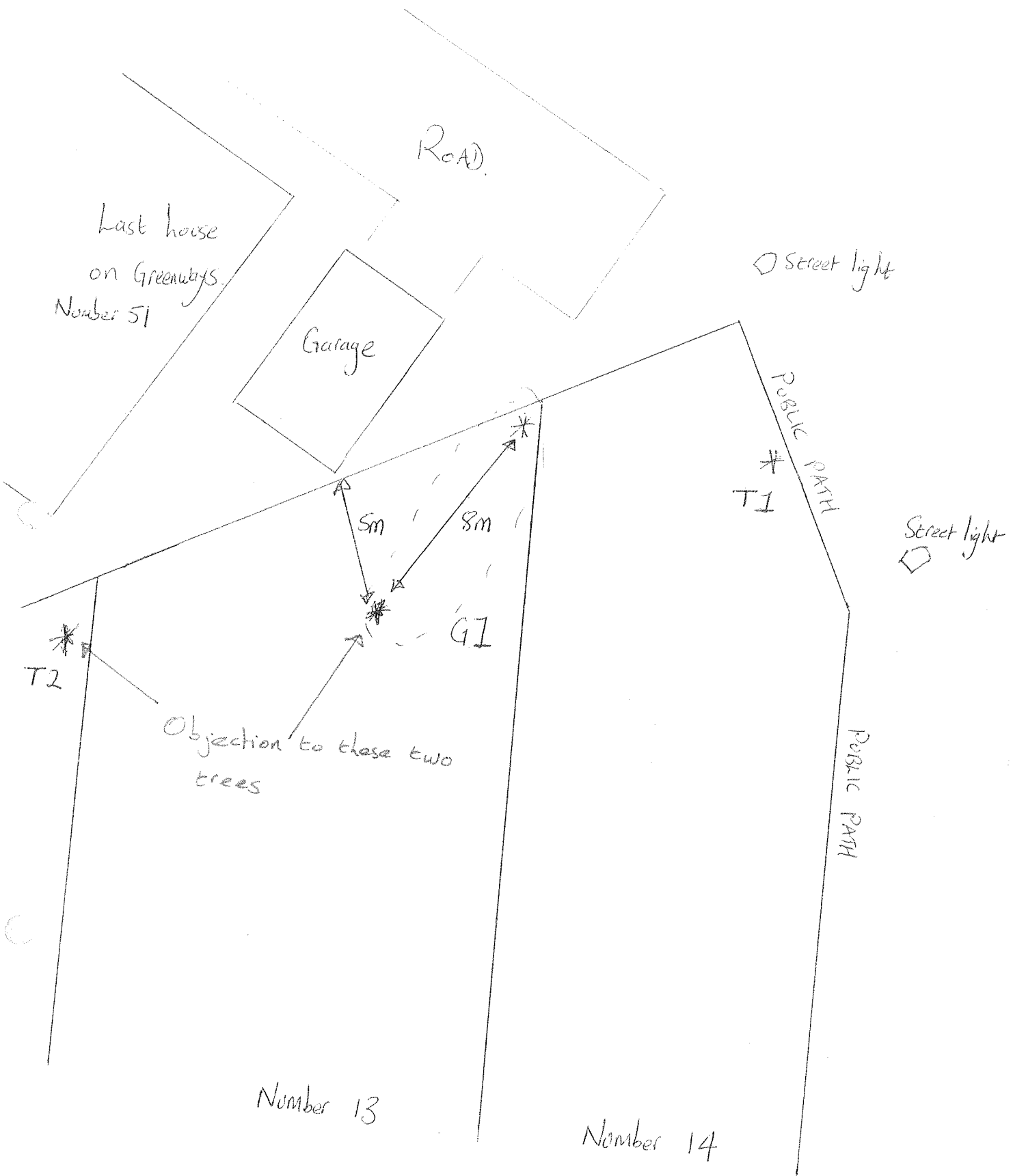
We trust you understand our objection, but please be assured that, like yourselves, we are committed to a pleasing and harmonious environment around our homes.

Yours faithfully

H Worthington

Cc. 12 Church Bank

LANCASTER CITY COUNCIL - PLANNING DEPARTMENT	
- 6 SEP 2006	
Passed by	DH
2322	MK



Last house on Greenways Number 51

Road

Garage

Street light

Public Path
T1

Street light

GI

Objection to these two trees

Public Path

Number 13

Number 14

C

T2