

APPEALS COMMITTEE

2.00 P.M.

13TH OCTOBER 2004

PRESENT: Councillors S. Denwood (Chairman), S. Burns, C. Coates, J. Gilbert, J. Horner and H. Helme.

Officers in Attendance

**A. Humphreys – Legal Services
D. Hall – Planning and Building Control Services
J. Glenton – Administration Services**

AAAlso in Attendance

**T. Cooke from Capita Symonds – Appearing on behalf of the City Council.
Mr. F. Nelson – Appearing on behalf of the Governors of Lancaster Royal Grammar School (the Appellant)**

A

12 SITE VISIT – TREE PRESERVATION ORDER NO. 364 (2004) AT GARDYNER HOUSE, LANCASTER ROYAL GRAMMAR SCHOOL, QUERNMORE ROAD, LANCASTER

Prior to the commencement of the meeting, a site visit to Gardyner House, Lancaster Royal Grammar School, Quernmore Road, Lancaster, was undertaken in response to an objection received to Tree Preservation Order No. 364 (2004). Mr. T. Nelson, on behalf of the Governors of Lancaster Royal Grammar School (the Appellant), was present at the site visit.

The following Members were present at the site visit:

Councillors S. Denwood (Chairman), S. Burns, C. Coates and J. Horner.

Officers in attendance:

**A. Humphreys – Legal Services
D. Hall – Planning and Building Control Services
J. Glenton – Administration Services**

Also in attendance:

T. Cooke – Capita Symonds

13 APPEAL AGAINST TREE PRESERVATION ORDER NO. 364 (2004) – GARDYNER HOUSE, LANCASTER ROYAL GRAMMAR SCHOOL, QUERNMORE ROAD, LANCASTER

The Committee considered an appeal against a decision of the Council, under Section 198 of the Town and Country Planning Act 1990, making an Order in respect of a group

of trees located at Gardyner House, Lancaster Royal Grammar School, Quernmore Road, Lancaster.

Mr. D. Hall, on behalf of the City Council, advised Members that Capita Symonds managed Tree Preservation Orders (TPO) on behalf of the City Council, whilst the Council's Planning and Building Control Services managed the technical and administrative areas.

Mr. T. Cooke of Capita Symonds, on behalf of the City Council, informed Members that the TPO had been made on the group of trees denoted G1 and G2, as they formed an attractive feature when viewed from Quernmore Road, Lancaster, and were of considerable amenity value. He advised Members that the existence of a TPO brought trees under the control of the Local Authority, but did not prevent their routine management, and that a TPO would not prevent land from being developed, but would safeguard the tree cover in the event of development.

Mr. F. Nelson, on behalf of the Governors of Lancaster Royal Grammar School (the Appellant), presented their case to the Appeals Committee. He advised Members that their objection was to the inclusion within the Order of two groups of eleven and five self-seeded sycamore trees, denoted G1 and G2, only and not to the other trees within the Order.

He advised Members of the reasons for the objection, namely that, whilst the School acknowledged the value of the trees and had no present plans to remove them, they had experienced problems with intruders onto the site at Gardyner House, which was used as a residence by a member of staff, and clear sight lines were therefore required. He reported that the School Governors felt that the future management of the trees should be left to the discretion of the school in the circumstances.

(The Committee passed a resolution to exclude the press and public, on the basis that on making its decision, exempt information would be received in the form of legal advice.)

(The Committee adjourned at 2.14 p.m. to consider the evidence. The representatives of the City Council's Planning and Building Control Services and Capita Symonds, and the Appellant left the meeting at this point.)

Mr. A. Humphreys, the Committee's Legal Advisor, advised Members of the legal position in regard to the objection and Members considered the advice.

It was moved by Councillor S. Burns and seconded by Councillor H. Helme:

"That the two groups of eleven and five sycamores, denoted G1 and G2 within the Order, be excluded from the TPO."

Upon being put to the vote, two Members voted in favour of the proposition and four Members voted against, whereupon the Chairman declared the proposition lost.

It was proposed by Councillor C. Coates and seconded by Councillor J. Horner:

"That the appeal be dismissed and that the TPO stand."

Upon being put to the vote, four Members voted in favour of the proposition and two Members voted against, whereupon the Chairman declared the proposition carried.

(The Committee reconvened at 2.25 p.m. to give their decision and the representatives of the City Council's Planning and Building Control Services and Capita Symonds, and the Appellant returned to the meeting at this point.)

Mr. A. Humphreys advised those present of the Committee's decision that, upon consideration of the appeal, Members were of the opinion that the appeal should be dismissed and the TPO be confirmed without modification. Whilst Members understood that Lancaster Royal Grammar School did not intend to remove the trees, it was considered that the trees referred to should remain as part of the TPO as, viewed from Quernmore Road, Lancaster, they had a significant impact on the site as a whole and were of considerable amenity value.

Resolved:

That the appeal be dismissed and the TPO be confirmed without modification.

(The meeting adjourned at 2.30 p.m. and then reconvened in order for appropriate Members and Officers to be in attendance for the following items of business).

PRESENT: - Councillors S. Denwood (Chairman). S. Burns, C. Coates, J. Gilbert and J. Horner.

Also present

Appellant and their representative

Officers in Attendance

Head of Personnel Services (in an advisory capacity only).

P. Sharrocks, Principal Personnel Officer, Personnel Services

S. Metcalfe, Senior Democratic Support Officer, Administration Services

14 MINUTES

The Minutes of the meeting held on 8th September 2004 were signed by the Chairman as a correct record.

15 EXCLUSION OF THE PRESS AND PUBLIC**Resolved: -**

That, in accordance with S100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it may involve the possible disclosure of exempt information as defined in Paragraph 1 of Schedule 12A of that Act.

16 REGRADING APPEAL – CITY CONTRACT SERVICES – POST NUMBER GM 0103

Prior to the commencement of the Appeal Members were advised that the Head of Personnel Services was in attendance in order to advise on process only as she had previously been in attendance at a Management Team meeting when the response to the application was considered. Referring to Minute 11 Members were informed that, after receiving advice from the City Council's Monitoring Officer, it was appropriate to re-consider their previous decision and necessary for those Members only in attendance for that item at the previous meeting to re-hear the case.

The appellant was invited to remind the Members of the previous detail of his case and presentation. It was noted that the Corporate Director (Community Services) was not in attendance, as it was not expected that, in the circumstances, new evidence would be presented. The Committee was advised, however, that he was available and could be called upon by the Committee if required.

Members were advised that, in accordance with the City Council's current re-grading policy, in order to grant a re-grading request, Members needed to be satisfied that there had been a substantial increase in the level of duties and responsibilities of the post holder, so as to merit the awarding of a higher grade.

The Committee retired at 2.56 p.m. to consider the evidence.

After a lengthy discussion the Committee reached their decision.

At this point the appellant and their representative were invited into the meeting to hear the Committee's decision.

Resolved: -

The Committee have considered again all the facts and have resolved to regrade the Post from former manual grade 4 to grade 5. This is in recognition of additional responsibility for tree felling work and traffic management. Furthermore, the Committee strongly encourage the Head of City Contract Services to review the plusage rate applicable to this post.

.....
Chairman

(The meeting finished at 3.24 p.m.)

Any queries regarding these Minutes, please contact either
Jane Glenton, Democratic Support Officer, Administration Services,
on 01524 582068,
or, alternatively, e-mail JGlenton@lancaster.gov.uk
or Stephen Metcalfe, Senior Democratic Support Officer, Administration Services,
on 01524 582073,
or, alternatively, email SMetcalfe@lancaster.gov.uk