

APPEALS COMMITTEE

1.00 P.M.

7TH MARCH 2014

PRESENT: Councillors Karen Leytham (Chairman), Kathleen Graham, Mike Greenall, Bill Hill (substitute for Helen Helme), Margaret Pattison (substitute for Eileen Blamire) and Roger Sherlock (substitute for Janice Hanson)

Apologies for Absence:

Councillors Helen Helme (Vice-Chairman), Eileen Blamire, Janice Hanson and Andrew Kay

Officers in Attendance:

Maxine Knagg
Angela Parkinson
Jane Glenton

Tree Protection Officer
Senior Solicitor
Democratic Support Officer

7 MINUTES

The minutes of the meeting held on 27th June 2013 were signed by the Chairman as a correct record.

8 SITE VISITS: TREE PRESERVATION ORDER NOS. 523 (2013), 526 (2013) AND 530 (2013)

Prior to commencement of the meeting, site visits were undertaken, as follows, in response to objections received:

- Land adjacent to the railway and to the rear of numbers 25-47 Hazelmount Drive, Warton
- Land adjacent to Darwen House, 52 Main Road, Bolton-le-Sands
- Land to the east of Midland Terrace, Millhead, Carnforth

The following Members were present on the site visits:

Councillors Karen Leytham (Chairman), Mike Greenall, Billy Hill, Margaret Pattison and Roger Sherlock

Officers in Attendance:

Maxine Knagg
Jane Glenton

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Tree Protection Officer
Democratic Support Officer

9 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

10 DECLARATIONS OF INTEREST

There were no declarations of interest.

Matters for Decision**11 TREE PRESERVATION ORDER NO. 523 (2013) RELATING TO AN AREA OF TREES ESTABLISHED ON LAND ADJACENT TO THE RAILWAY AND TO THE REAR OF NUMBERS 25-47 HAZELMOUNT DRIVE, WARTON**

The Committee considered formal written objections to a decision of the Council under Section 198 of the Town and Country Planning Act 1990 (T&CPA 1990) making an Order in respect of an area of trees established on land under the control of Network Rail adjacent to the railway and to the rear of residential properties identified as numbers 25-47 Hazelmount Drive, Warton (identified as A1) being Tree Preservation Order (TPO) No. 523 (2013) and thereafter whether or not to confirm the Order.

It was reported that Tree Preservation Order No. 523 (2013) had been served by Lancaster City Council following a complaint from a member of the public regarding damage and the felling of trees from within the site. Concerns had been expressed that further damage may occur.

The land owners of the site and trees in question had not objected to TPO No. 523 (2013). The City Council had received a letter of objection dated 13th October 2013, signed by residents at Nos. 27, 29, 31, 35, 37, 39, 41, 43 and 45 Hazelmount Drive, Warton. The owner/occupiers at Nos. 25 and 43 Hazelmount Drive had made additional submissions objecting to TPO 523 (2013). The owner/occupiers of 33 and 31 had submitted additional comments that did not constitute formal objections.

Appellants

Appellants from Hazelmount Drive were present at the meeting, and Owen Richards of 29 Hazelmount Drive, Ann Blundell of 43 Hazelmount Drive, Gerry Bingham of 41 Hazelmount Drive and Charles Wilkinson of 37 Hazelmount Drive spoke to the Committee. Members considered the written objections received from the residents of 27-47 Hazelmount Drive, as follows:

- The condition of the trees was poor to fair, due to a lack of management, adding little or no amenity value to residents, and could not be appreciated by the general passing public, because there was no right of way. There were sufficient healthier, larger, more established trees in the area for residential/public enjoyment.
- The trees currently formed a nuisance and would be a future nuisance to residents and their properties, and had clearly outgrown their context, having an adverse effect on adjacent trees of better quality.
- The trees were in secondary growth, due to being cut down approximately 10 years ago, and had a limited lifespan due to invasive host plants, such as ivy.
- A Tree Preservation Order on the trees would drastically reduce residents' enjoyment of their gardens due to lack of sunshine/light, and would prevent other plant growth.

The owner of 25 Hazelmount Drive had written in objection and had commented as follows:

- If any of the trees affected by the Order became overbearing, thus having a

detrimental effect on the use and enjoyment of the owner's property, they would have the freedom to attend to the same. Network Rail had attended to any problematic trees at their request in a timely manner, and they felt that having to obtain the Council's consent would be time-consuming, inconvenient and unnecessary.

- If the trees were not properly maintained, the saleability of their property could be affected in the future.
- The trees were mainly deciduous and offered no screening in autumn and winter;
- The deciduous nature of the majority of the trees meant that they offered no shelter for wildlife throughout autumn and winter.
- Their vegetable patch could be compromised if the woodland grew out of control and restricted light.
- The loss of the trees would be compensated by residents tailoring their gardens to attract wild birds.
- The amenity value of the trees was questioned; the trees were generally visible to the public from Shore Road and the footpaths adjacent to the River Keer; however, their appearance and amenity value was compromised by the presence of the railway.
- Network Rail undertook regular maintenance on the land in question and tended to problematic trees as and when required, but they would no longer have this power once the order was imposed, without consulting the City Council.
- Hawthorn, which was considered to be a shrub, grew directly to the rear of their property, and they hoped this would not be protected by the Order.

The owner of 43 Hazelmount Drive, had commented as follows:

- The deciduous trees referred to consisted mostly of dead hawthorns, which had become evergreen because they had been choked to death by ivy.
- The trees encroached on their conifer hedge and the ivy was beginning to invade their hedge making it almost impossible to maintain.
- They would like to see well-managed and maintained trees, which would mask the railway sidings from their view.
- Since they had moved into their property, Network Rail had done nothing; the best conservation schemes, and in the interest of wildlife, management, control, coppicing, etc. of vegetation was needed and not the indiscriminate "preservation" of dying trees.
- A huge ash tree shaded their garden and the slightest breeze shed branches over one area, rendering that patch unusable.
- Last year, Network Rail had been contacted, with some difficulty, as a third of the ash tree hung over their garden, and was getting dangerously near their greenhouse; the tree surgeons had trampled on their garden and butchered the offending branches with total disregard for the shape and balance of the tree.

The owners of 31 and 33 Hazelmount Drive had submitted additional comments that did not constitute formal objections, as follows:

31 Hazelmount Drive, Warton

- Following the Tree Protection Officer's letter dated 9th October 2013, prohibiting lopping and cutting of trees, nine trees had been lopped off at a level of the top of the ranch-style fence at the edge of their land; the work had been carried out when they and their neighbours at 29 Hazelmount Drive had been away from their homes and unable to object to the actions of the culprits.
- In order to prevent further illegal works, the Tree Protection Officer had been invited to observe the extent of the nuisance the trees had on the lives of the residents of 25-47 Hazelmount Drive.

33 Hazelmount Drive, Warton

- The majority of the mature ash tree on the land belonging to Network Rail was directly behind their property, and they would like Network Rail, in particular, to retain the tree and could imagine no objections to this in terms of rail/leaf hazard, as it had been left to mature for many years to date and was a substantial distance away from railway lines.
- The tree was important, not least due to the threat that ash trees were currently under from ash die-back; it had also been a resting spot for a bird of prey; living within the Area of Outstanding Natural Beauty, they would hope that the character would be maintained.
- There were other trees/bushes, which grew on the Network Rail land in question, forming a natural line along the edge of the Tree Preservation Order, which retained an important scrub for wildlife.
- They would welcome the opportunity to retain their rear boundary hedge line height, sight-line and general tidiness at its current height.
- This could be affected by plant growth (particularly sycamore, but also wild rose, bramble and hawthorn), which grew directly behind the hedge line on the Network Rail land in question and could create an unsightly and untrained growth without management.
- They had contacted Network Rail about the possibility of purchasing the land directly behind their property (following the line of the side boundaries straight down either side), now subject to the above order and awaited their response.
- Whilst the land remained the property of Network Rail, they would welcome clarity on the responsibility which they held to keep their land in reasonable tidiness, so that it did not have a detrimental effect on their residential property, yet retained the wildlife and general amenity value.
- If it was possible for them to ultimately own the strip of additional land, they would wish to be able to maintain and retain the current character of the area.
- In their opinion, both the amenity value of the area and the residential desirability was enhanced with the maintenance and management of unsightly suckers and ungainly growth, which would seek to be able to carry out themselves.

Members asked questions of the Appellants.

Tree Protection Officer

The Tree Protection Officer presented the case on behalf of Lancaster City Council.

It was reported that TPO No. 523 (2013) related to an area (A1) of trees established on land under the control of Network Rail. The land in question was established to the rear of twelve residential properties identified as Nos. 25-47 Hazelmount Drive, Warton.

The trees were mainly broadleaf deciduous species, ranging from young to mature. They were clearly visible from public vantage points and the railway, and provided valuable greening and screening between the railway site and the public domain. The land adjacent to the railway lines provided important public amenity and wildlife habitat. A belt of trees further to the east, also established on Network Rail land, was subject to TPO No. 407 (2007) and both groups of trees maintained canopy cover along the railway network to the rear of properties along Hazelmount Drive, Warton.

It was reported that the trees had significant potential to support a range of wildlife communities, including habitat and foraging opportunities for protected species, nesting birds and bats. Carnforth Ironworks site was immediately to the east. The site was designated a Biological Heritage Site (BHS). TPO No. 407 (2007) was contained within the BHS.

Members were informed that the trees within the site had been assessed in terms of their amenity value using the Tree Evaluation Method for Preservation Orders (TEMPO) and, with a score of 14, the use of a Tree Preservation Order was described as "defensible".

It was reported that the City Council considered it expedient in the interests of amenity to make TPO No. 523 (2013) to ensure the protection and sustainability of an important belt of trees and green infrastructure, and to make provision for the preservation of the woodland in question under Sections 198, 201 and 203 of the Town and Country Planning Act 1990, for the following reasons:

- Important public visual amenity;
- Important landscape feature in keeping with the character of the immediate and wider locality, immediately adjacent to a Biological Heritage Site and other off site trees subject to a TPO;
- Significant potential to provide important habitat and resources for a range of protected and unprotected wildlife communities;
- Ongoing threat from inappropriate management of trees.

Members were advised that a TPO did not prevent or obstruct good arboriculture practice and management of trees, as set out within current arboriculture standards of best practice (BS 3998 2010). The application process to undertake works to protected trees was streamlined and there were no charges associated with making any such application. A TPO excluded shrubs and 'other' vegetation that may be associated with some trees, such as ivy and brambles, which were not protected by a TPO

The Tree Protection Officer referred to the grounds for the collective objection and advised that:

- The general condition of trees was sufficient to be incorporated within a TPO.

Any tree that was 'dead' or in a 'dangerous' condition (in arboriculture terms) was exempt from a TPO. The trees were visible from a number of public vantage points in the wider landscape. Public access to protected trees was not a requirement of a TPO.

- A TPO did not prevent or obstruct reasonable and appropriate management of protected trees; management of this nature remained the responsibility of the landowner, Network Rail. A TPO overrides Common Law Rights to prune back overhanging branches, but that is not to say that consent could not be sought from the local authority for such work to be carried out, in line with current standards of best arboriculture practice.
- Ivy did not kill trees. It was, however, an important plant in ecological terms, providing year round habitat and shelter for a range of wildlife species and offering one of the last winter feeding resources for bees. Ivy was not protected by a TPO.

It was reported that Network Rail, the landowner, had responsibility for the management of the trees and land in question, and the management of the land should be discussed with them. Written authorisation would be required prior to undertaking work affecting protected trees only.

The Tree Protection Officer advised that, in her professional opinion, the belt of trees offered sufficient amenity value to warrant and justify continued protection with TPO No. 523 (2013) and, as such, the order should be confirmed without modification.

Members asked questions of the Tree Protection Officer.

(The Tree Protection Officer and Appellants left the meeting room whilst the Committee made its decision in private.)

Members considered the options before them:

- (1) To confirm Tree Preservation Order No. 523 (2013)
 - (a) Without modification
 - (b) Subject to such modification as is considered expedient
- (2) Not to confirm Tree Preservation Order No. 523 (2013).

It was proposed by Councillor Hill and seconded by Councillor Graham:

"That Tree Preservation Order No. 523 (2013) be confirmed, subject to exclusion of the hawthorn bushes."

Upon being put to the vote, 5 Members voted in favour of the proposition and 1 against, whereupon the Chairman declared the proposal to be carried.

(The Tree Protection Officer and Appellants returned to the meeting for the decision to be announced.)

Resolved:

That Tree Preservation Order No. 523 (2013) be confirmed, subject to exclusion of the hawthorn bushes.

The Chairman advised that with the agreement of Members, the following item of business would be brought forward to allow the Appellant's Agent to present his case and leave the meeting.

12 TREE PRESERVATION ORDER NO. 530 (2013) RELATING TO AN AREA OF WOODLAND COMPRISED OF MIXED BROADLEAF SPECIES TREES, ESTABLISHED ON LAND TO THE EAST OF MIDLAND TERRACE, MILLHEAD, CARNFORTH

The Committee considered the objections received to a decision of the Council under Section 198 of the Town and Country Planning Act 1990 making an order in respect of an area of woodland comprised of mixed broadleaf species trees, established on land to the east of Midland Terrace, Millhead, Carnforth, and identified as A1, being Tree Preservation Order No. 530 (2013), and thereafter whether or not to confirm the Order.

It was reported that the City Council had received a single, formal, written objection from Cassidy and Ashton, Tree Planning Consultants, on behalf of the landowner, Ocean Wave Estates Ltd.

Tree Preservation Order No. 530 (2013) had been served following Lancaster City Council becoming aware that a large volume of trees had been felled within the site. Concerns had been expressed to the Council that this work had been carried out over a weekend period and had resulted in devastation of the landscape. When the Council had visited, a huge volume of early mature and mature trees had already been felled, utterly devastating the site in question.

Whilst the trees were not protected at that time, there was a legal requirement to obtain a licence from the Forestry Commission prior to undertaking large scale felling operations, where the volume of timber was expected to be 5 cubic metres or greater in any quarter period. The landowner had failed to make any such application and it was understood from the Forestry Commission that the large scale loss of unauthorised timber, in excess of 13 tonnes covering an area of .89 hectares, was currently being investigated. The Council had received no indication from the landowners that the large scale loss of trees was to occur. The Council had since been advised by the agent acting on behalf of the landowner that an application was likely to be submitted for development of the land in question at a future time.

Appellant

Present at the meeting was Mr. Alban Cassidy, Town and Country Planning Consultant, of Cassidy and Ashton, agents for the Appellant and landowners, Ocean Wave Estates Ltd.

Mr. Cassidy presented the case on behalf of the Appellant, and advised Members that the Appellant did not object to the whole of the TPO, only that relating to the area to the far west of the overall site, where recent clearance works had been undertaken. This area of land contained no trees worthy of protection by virtue of any amenity value.

In his opinion, the Appellant had not committed any breach of planning control. It had been alleged that there had been a breach of the felling regime. The Forestry Commission had been consulted and the potential for restocking had been identified.

Mr. Cassidy reported that United Utilities had recently notified the Appellant of their proposal to install a storm attenuation tank on part of the site in question over the next three years. The Forestry Commission had been notified and a suitable area would need to be identified for the restocking to take place. The proposal would severely reduce the Appellant's plans for a planning application in relation to the site in question.

It was suggested that the area to the far west of the overall site did not meet the test for a TPO, and that a TPO covering that area would be legally flawed in the circumstances.

Members were asked not to confirm TPO No. 523 (2013).

Tree Protection Officer

The Tree Protection Officer presented the case on behalf of Lancaster City Council.

Members were advised that the land in question was established to the east of Midland Terrace, Millhead, Carnforth. The trees in question were, by and large, mixed species, broadleaf, deciduous trees, ranging from young to mature trees.

There was a watercourse immediately to the north which, combined with existing trees, provided an extremely important habitat for a range of wildlife communities, including protected species, such as nesting birds and bats. The wildlife value and biological importance of the site had been recognised and designated a Biological Heritage Site (BHS). This designation related to the southern aspect of the land in question.

The site was also established within Arnside and Silverdale Area of Outstanding Natural Beauty (AONB). Trees were an important component feature of the AONB, making a significant contribution to the visual appearance, character and wildlife value of the AONB.

The Council had received no indication from the landowners that the large-scale loss of trees was to occur. The Council had been advised by the agent acting on behalf of the landowner that an application was likely to be submitted for development of the land in question at a future time.

The remaining trees within the site woodland in question had been assessed in terms of their amenity value using the Tree Evaluation Method for Preservation Orders (TEMPO), and, with a score of 15+, the use of a Tree Preservation Order was described as 'definitely merits'.

The area identified as A1 was a significant landscape feature. The remaining woodland trees were clearly visible and could be appreciated from a range of locations within the wider landscape and public domain, including the busy public highway immediately to the west. The wider landscape had been adversely impacted with the recent devastating loss of so many large scale, early-mature and mature trees from within the site.

The age and condition of the existing trees was such that they had significant remaining life potential beyond the next 50+ years, and with good management they had the potential to remain beyond the next 50 to 100 years.

The site had an important role in the provision of resources, habitat and foraging opportunities for a range of wildlife communities, including the potential for protected species, such as nesting birds and bats. Whilst the benefit of trees to wildlife could not be used as a sole reason for making and serving a TPO, in conjunction with existing amenity value, the value of trees to wildlife could be recognised within current TPO legislation.

TPO No. 530 (2013) had been made on 16th December 2013, following concerns being expressed to the Council following a devastating and large scale loss of trees. Standing trees remained in the area where the majority of trees had been felled.

It was reported that Lancaster City Council considered it to be expedient in the interests of amenity to make TPO No. 530 (2013) because of the devastating loss of trees and in order to protect those that remained. The area affected by tree losses was apparent from the public domain and, combined with the potential for further felling operations, there remained a significant threat to the visual appearance, character and public amenity value of the immediate and wider locality. The loss of trees in this location had the potential to adversely impact upon important wildlife communities, some of which were in themselves also protected by law.

Lancaster City Council considered it expedient in the interests of amenity to make provision for the preservation of the woodland in question, and at that time under sections 198, 201 and 203 of the Town and Country Planning Act 1990, for the following reasons:

- Important public visual amenity.
- Important landscape feature in keeping with the character of the immediate and wider locality.
- Significant potential to provide important habitat and resources for a range of protected and unprotected wildlife communities, and includes a designated Biological Heritage Site.
- Ongoing threat from removal of trees and development of the land in the future.

A tree preservation order did not prevent works being undertaken that were appropriate and reasonable and in the interest of good arboriculture practice, and in compliance to current standard of practice BS 3998 (2010) – Tree Work. In addition, the powers of a tree preservation order were overridden where planning consent was granted for development and trees were required to be removed in order to implement that consent.

The Tree Protection Officer reported that in her professional opinion, the area of woodland trees in question remained under significant threat from further tree removals and inappropriate management. The site was likely to become the subject of a planning application in the future. TPO No. 530 (2013) must be confirmed without modification to ensure important trees and wildlife habitat were protected in the interest of public amenity and wildlife value.

Members asked questions of the Tree Protection Officer.

(The Tree Protection Officer and the Appellant's representative left the meeting room whilst the Committee made its decision in private.)

Members considered the options before them:

- (1) To confirm Tree Preservation Order No. 530 (2013)
 - (a) Without modification
 - (b) Subject to such modification as is considered expedient
- (2) Not to confirm Tree Preservation Order No. 530 (2013).

It was proposed by Councillor Hill and seconded by Councillor Leytham:

"That Tree Preservation Order No. 530 (2013) be confirmed."

Upon being put to the vote, Members voted unanimously in favour of the proposition, whereupon the Chairman declared the proposal to be clearly carried.

(The Tree Protection Officer and the Appellant's representative returned to the meeting for the decision to be announced)

Resolved:

That Tree Preservation Order No. 530 (2013) be confirmed.

(The Committee adjourned at 3.30 p.m. and reconvened at 3.35 p.m.)

13 TREE PRESERVATION ORDER NO. 526 (2013) RELATING TO A SINGLE TREE ESTABLISHED ON COUNTY COUNCIL LAND ADJACENT TO DARWEN HOUSE, 52 MAIN ROAD, BOLTON-LE-SANDS

The Committee considered an objection received to a decision of the Council under Section 198 of the Town and Country Planning Act 1990 (T&CPA 1990) making an Order in respect of a single mature maple established on County Council land adjacent to Darwen House, 52 Main Road, Bolton-le-Sands and to the front of Bolton-le-Sands Library, being Tree Preservation Order No. 526 (2013), and thereafter whether or not to confirm the Order.

It was reported that Lancaster City Council had received a Section 211 Notice (13/0108/TCA) to undertake works to the canopy of the tree in question, in order to alleviate an existing conflict between branches and structures of the adjacent private dwelling. The proposed work had been assessed and judged to be excessive and inappropriate with regard to the age and species of tree in question and current standards of best practice, BS 3998 (2010) – Tree Work. The work would have resulted in a severely compromised tree in terms of stability, health, vitality and long-term sustainability, which would have significant potential to adversely affect its amenity and that of its locality.

The Council had objected to the extent of works proposed and had considered it to be expedient in the interests of amenity to make TPO No. 526 (2013) and protect and safeguard the future of the tree in question.

A single, formal, written letter of objection had subsequently been received from Mr. M. Garnett of 52 Main Road, Bolton-le-Sands dated 13 October 2013. Mr. Garnett was not present at the meeting.

Appellant

Members considered the written objections received from the Appellant, Mr. Garnett, as follows:

- Such a close proximity caused both a current potential future risk to the foundations of the house and therefore potential future legal liability to Lancashire County Council.
- Damp issues were caused on the roof and gable end wall by the tree overhanging the property; the property had recently been repointed due to blown render in the locality of the tree, due to an excessive collection of organic dead matter on the roof and in the guttering, with an ongoing maintenance problem with plants and foliage growing in the collected matter, undermining the integrity of the roof, causing dampness inside the bedrooms to the first and second floors (a recent insurance claim had been required to replace furniture which had been damaged), and under the shade of the overhanging boughs there was no opportunity for this area of the property to dry out.

Tree Protection Officer

The Tree Protection Officer presented the case on behalf of Lancaster City Council.

Members were advised that TPO No. 526 (2013) related to a single, mature maple established on land immediately adjacent to a private dwelling known as Darwen House, 52 Main Road, Bolton-le-Sands. The tree was growing on land under the control of Lancashire County Council, to the front of Bolton-le-Sands Library. The tree was clearly visible from the public domain and, as such, made a positive contribution to the visual amenity of the site and locality.

The tree in question had been assessed in terms of its amenity value using the Tree Evaluation Method for Preservation Orders (TEMPO) and, with a score of 15, the use of a Tree Preservation Order was described as 'definitely merits'.

It was reported that the tree offered habitat and foraging opportunities for a range of wildlife within the heart of Bolton-le-Sands village and conservation area, including the potential for species which were protected under the Wildlife and Countryside Act 1981, such as nesting birds. Whilst the benefit of trees to wildlife could not be used as a sole reason for making and serving a TPO, the value of trees to wildlife could be recognised within current TPO legislation, in conjunction with existing amenity value.

The City Council considered it expedient in the interests of amenity to make provision for the preservation of the tree in question under Sections 198, 201 and 203 of the Town and Country Planning Act 1990 for the following reasons:

- important public visual amenity;
- important landscape feature in keeping with the character of the immediate locality and wider conservation area;

- wildlife benefit;
- ongoing threat from inappropriate future management.

The Tree Protection Officer referred to the points raised in the Appellant's letter.

With regard to his concern regarding tree-related subsidence, Mr. Garnett had been advised that this could only occur if the property was founded on a shrinkable clay soil and if the tree was established within influencing distance of the soils beneath the foundation of the property. The Council would not consider the removal of the tree without an engineering report to show that the property was founded on a highly shrinkable clay soil. The incidence of highly shrinkable clay soils occurring naturally within the district was low.

With reference to leaf litter, this could fall into adjacent gutters and measures may be required to prevent any of the associated issues that had been identified. Lancaster City Council's Tree Policy (adopted 2010) stated that trees would not be felled in relation to leaf litter. The policy document had been supported by Lancashire County Council, as consultees.

The value of trees and the positive contribution that they made across the district was recognised by Lancaster City Council, and it was essential that trees were managed carefully and appropriately. Lancaster City Council had a duty under the Town and Country Planning Act 1990 to protect trees for the benefit of all. Healthy trees would only be removed where there was an overriding need to do so.

It was reported that a tree preservation order did not prevent works being undertaken that were appropriate and reasonable and in the interest of good arboriculture practice and in compliance to current standard of practice BS 3998 (2010 Tree Work). Lancaster City Council had received an application from Lancashire County Council, the tree owners, to undertake works to the canopy of the protected tree. The work had been identified in order to reduce the encroachment back from the dwelling, to avoid any direct contact and reduce the risk of damage to the fabric of the property. The details had been assessed. A decision notice had been issued and the works had subsequently been carried out, in compliance with current standards of best practice,

The Tree Protection Officer advised that, in her professional opinion, the tree in question was worthy of ongoing protection with TPO 526 (2013).

Members asked questions of the Tree Protection Officer.

(The Tree Protection Officer left the meeting room whilst the Committee made its decision in private.)

Members considered the options before them:

- (1) To confirm Tree Preservation Order No. 526 (2013)
 - (a) Without modification
 - (b) Subject to such modification as is considered expedient
- (2) Not to confirm Tree Preservation Order No. 526 (2013).

It was proposed by Councillor Sherlock and seconded by Councillor Greenall:

“That Tree Preservation Order No. 526 (2013) be confirmed.”

Upon being put to the vote, 5 Members voted in favour of the proposition, with 1 abstention, whereupon the Chairman declared the proposal to be carried.

(The Tree Protection Officer returned to the meeting for the decision to be announced)

Resolved:

That Tree Preservation Order No. 526 (2013) be confirmed.

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Chairman

(The meeting ended at 4.00 p.m.)

**Any queries regarding these Minutes, please contact
Jane Glenton, Democratic Services: telephone (01524) 582068 or email
jglenton@lancaster.gov.uk**