

# **APPEALS COMMITTEE**

## **TREE PRESERVATION ORDER NO. 394 (2006): REAR OF NOS. 14, 13 AND 12 CHURCH BANK, OVER KELLET**

**13<sup>TH</sup> DECEMBER 2006**

### **REPORT OF HEAD OF DEMOCRATIC SERVICES**

#### **PURPOSE OF REPORT**

To enable Members to consider the objections received to Tree Preservation Order No. 394 (2006): Rear of Nos. 14, 13 and 12 Church Bank, Over Kellet, 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 5 of Schedule 12A of the Local Government Act 1972).**

#### **RECOMMENDATIONS**

**That Members consider the objection to Tree Preservation Order No. 394 (2006): Rear of Nos. 14, 13 and 12 Church Bank, Over Kellet, and thereafter 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 1999, objections have been received to Tree Preservation Order No. 394 (2006), which has been made in relation to four trees established within the rear gardens of Nos. 14, 13 and 12 Church Bank, Over Kellet.
- 1.3 The objections are from the owners of 14, 13, 12 and 11 Church Bank, Over Kellet, and the owners of 51 Greenways, Over Kellet.

- 1.4 In accordance with the Regulations, it is necessary to consider the objections, and in order for the objections to be considered objectively, the matter is referred to the Appeals Committee.
- 1.5 The report of the City Council's Tree Protection Officer is attached (pages 3-4). Appended to the report are:
- Appendix 1 - *Copy of the original Tree Preservation Order No. 394 (2006) (pages 5-17);*
  - Appendix 2 - *Tree Evaluation Method for Preservation Orders (TEMPO) (pages 18)*
  - Appendix 3 - *Individual Trees and Landscape Photographs (pages 19-22);*
  - Appendix 4 – *Correspondence and objections in relation to Tree Preservation Order No. 394 (2006) (pages 23-34).*

## 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. 394 (2006).

## 3.0 Details of Consultation

- 3.1 There has not been any consultation at this stage.

## 4. Options

- 4.1 The Options are:

- (1) To confirm Tree Preservation Order No. 394 (2006):
  - (a) Without modification
  - (b) Subject to such modifications as considered expedient.
- (2) Not to confirm Tree Preservation Order No. 394 (2006)

## 5. 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. 394 (2006).

<b>CONCLUSION OF IMPACT ASSESSMENT</b>	
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
Not applicable.	
<b>FINANCIAL IMPLICATIONS</b>	
Not applicable.	
<b>LEGAL IMPLICATIONS</b>	
A Legal Officer will be present at the meeting to advise the Committee.	
<b>BACKGROUND PAPERS</b>	<b>Contact Officer:</b> Jane Glenton
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