

APPEALS COMMITTEE

3.00 P.M.

8TH JULY 2008

PRESENT: Councillors Sheila Denwood (Chairman), Helen Helme, Janie Kirkman
Bob Roe and Roger Sherlock (substitute for Janice Hanson)

Apologies for Absence:

Councillors Janice Hanson and David Kerr

Officers in Attendance:

Maxine Knagg	Tree Protection Officer
Angela Parkinson	Senior Solicitor
Jane Glenton	Democratic Support Officer

1 SITE VISITS - TREE PRESERVATION ORDER NO. 428 (2008): TREE WITHIN THE CURTILAGE OF 8 THE NOOK, BOLTON-LE-SANDS AND TREE PRESERVATION ORDER NO. 436 (2008): TREES ESTABLISHED TO THE REAR OF 31 STANHOPE AVENUE AND LAND TO THE REAR OF 29A STANHOPE AVENUE, MORECAMBE

Prior to commencement of the meeting, site visits to 8 The Nook, Bolton-le-Sands and 29A and 31 Stanhope Avenue, Morecambe were undertaken, in response to objections received to Tree Preservation Order Nos. 428 and 436.

The following Members were present on the site visits:

Councillors Sheila Denwood (Chairman), Helen Helme, Janie Kirkman, Bob Roe and Roger Sherlock (substitute for Janice Hanson).

Officers in Attendance:

Maxine Knagg	-	Tree Protection Officer
Angela Parkinson	-	Senior Solicitor
Jane Glenton	-	Democratic Support Officer

2 APPOINTMENT OF VICE-CHAIRMAN

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

“That Councillor Helme be appointed Vice-Chairman of the Appeals Committee for the Municipal Year.”

There were no further nominations.

Resolved:

That Councillor Helme be appointed Vice-Chairman of the Appeals Committee for the Municipal Year.

3 MINUTES

The Minutes of the meeting held on 12th March 2008 were signed by the Chairman as a correct record.

4 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

5 DECLARATIONS OF INTEREST

There were no declarations of interest.

6 TREE PRESERVATION ORDER NO. 428 (2008): TREE WITHIN THE CURTILAGE OF 8 THE NOOK, BOLTON-LE-SANDS

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 tree established within the rear garden of 8 The Nook, Bolton-le-Sands and within the Bolton-le-Sands Conservation Area, being Tree Preservation Order No. 428 (2008).

It was reported that Number 8 The Nook was for sale, and the City Council had received written notification to fell the tree from Lakeland Landscapes Limited on behalf of the home owner.

The Tree Protection Officer advised that the tree was a mature sycamore of a single stem form, identified as T1. The tree's bud and shoot distribution and growth were evenly distributed across the crown, indicating a good state of health and vigour. Access to the property had not been possible and the condition of the main stem could not be clearly viewed. The top part of the tree could be clearly seen from an adjacent car park area serving a number of residential properties and it was visible from the public highway of The Nook.

The amenity value of T1 had been assessed using an objective and systematic approach (Tree Evaluation Method for Preservation Orders – *TEMPO* system). A score of 15+ had been achieved and this supported the action of serving a Tree Preservation Order.

It was reported that T1 contributed to local amenity by providing the following;

- Visual amenity
- Improvements in air quality, screening and privacy
- Urban greening and a wildlife source.

The City Council therefore 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 & Country Planning Act 1990 for the following reasons:

- trees provided important public amenity benefits
- were under threat from removal
- were a wildlife resource

It was the Council's view that removal of the tree would have a detrimental impact on the amenity value of the local area and, as such, should be afforded protection by serving a Tree Preservation Order.

Objections to the granting of the Tree Preservation Order had been received from the property owner, as follows:

- (1) The tree was not a prominent landscape feature. Its crown was visible from a nearby court and part of Ancliffe Lane, but its proximity to the houses in The Nook made it mostly invisible from the road;
- (2) The tree was an isolated tree surrounded by hedging and shrubs. There was a tree line at the bottom of the garden (60 feet away), but there was no obvious connection between the tree and those.
- (3) The tree was not a native tree. An ecologist had advised that sycamores did not provide a significant resource for wildlife.
- (4) It was an old tree and was partially diseased. There were leafless branches during the summer and the tree also shed branches from time to time.
- (5) It was close to two houses and the majority of residents north of the tree would like to see it felled as it cast a considerable shadow into their gardens.
- (6) It was particularly close to 8 The Nook, an old and listed property. One supporting wall was already at an angle and there were concerns about the effect of the tree roots on the building's long term stability.

The Tree Protection Officer addressed the objections raised, as follows:

- (1) The tree is visible from the public highway and its presence would increase as it grew.
- (2) The tree links to other tree species present and is of a similar age.
- (3) Native trees are those trees which colonised the British Isles after the last Ice Age. Whilst the tree is not a native, it is important for wildlife and can support many species.
- (4) There is some crown die back, but no information to indicate that it is partially diseased. Whilst no close up assessment had been made, the tree is generally of good condition and has the potential to remain on-site for many years. Pruning would address the crown die back.
- (5) There is no automatic right to light and the tree's public benefit to the amenity of an area is of importance.
- (6) Tree root growth is influenced by the availability in soil of water, air and nutrients. If roots come into contact with an intact building they will not penetrate the building but will change their direction of growth. Any encroachment by branches could be addressed by basic tree maintenance work.

***(The Committee adjourned to consider the evidence.
The Tree Protection Officer left the meeting at this point.)***

Members considered the options before them:

- (1) To confirm Tree Preservation Order No. 428 (2008)
 - (a) Without modification
 - (b) Subject to such modification as is considered expedient.
- (2) Not to confirm Tree Preservation Order No. 428 (2008)

It was proposed by Councillor Roe and seconded by Councillor Kirkman:

“That the appeal be refused and the Tree Preservation Order confirmed without modification.”

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

***(The Committee reconvened to give their decision.
The Tree Protection Officer returned to the meeting at this point.)***

Resolved:

That the appeal be refused and the Tree Preservation Order confirmed without modification.

Advice Note

That the property owner be advised

- (1) That works to remove the dead wood from the tree can be carried out in compliance with BS 3998 (1989).
- (2) That admittance to the garden would have enabled the Committee to view the tree in closer proximity.

7 TREE PRESERVATION ORDER NO. 436 (2008): TREES ESTABLISHED TO THE REAR OF 31 STANHOPE AVENUE AND LAND TO THE REAR OF 29A STANHOPE AVENUE, MORECAMBE

The agents of the owners of 29A and 31 Stanhope Avenue, Morecambe raised objections on behalf of their clients regarding the late arrival of the notification letter advising objectors of the date and time of the Appeals Committee meeting. The letter had been posted in time to give 5 clear working days' notice, but had not been delivered until Friday, 4th July 2008.

It was proposed by Councillor Kirkman and seconded by Councillor Helme:

- “(1) That, in consideration of the late notification received by objectors, the matter be

deferred and considered by the Committee at a later date.

- (2) That an Appeals Committee be scheduled for Tuesday, 22nd July 2008, commencing at 4.30 p.m. to consider Tree Preservation Order No. 436 (2008)."

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

Resolved:

- (1) That, in consideration of the late notification received by objectors, the matter be deferred and considered by the Committee at a later date.
- (2) That an Appeals Committee be scheduled for Tuesday, 22nd July 2008, commencing at 4.30 p.m. to consider Tree Preservation Order No. 436 (2008).

Chairman

(The meeting ended at 3.24 p.m.)

**Any queries regarding these Minutes, please contact
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