

APPEALS COMMITTEE

2.30 P.M.

23RD MARCH 2009

PRESENT:- Councillors Sheila Denwood (Chairman), Helen Helme (Vice-Chairman), Chris Coates, Janice Hanson, Janie Kirkman and Bob Roe

Apologies for Absence:-

Councillor David Kerr

Officers in attendance:-

Angela Parkinson

Senior Solicitor

Maxine Knagg

Tree Protection Officer

Sharon Marsh

Democratic Support Officer

15 SITE VISIT

Prior to the commencement of the meeting, a site visit to the rear of Woodlands Cottage, off Woodlands Drive, Silverdale was undertaken, in response to an objection received to Tree Preservation Order No. 452 (2008).

The following Members were present on the site visit:

Councillors Sheila Denwood (Chairman), Helen Helme (Vice-Chairman), Chris Coates, Janice Hanson, Janie Kirkman and Bob Roe.

Officers in attendance:

Maxine Knagg and Sharon Marsh.

16 MINUTES

The Minutes of the meeting held on the 10th December 2008 were signed by the Chairman as a correct record.

17 ITEMS OF URGENT BUSINESS AUTHORISED BY THE CHAIRMAN

There were no items of urgent business.

18 DECLARATIONS OF INTEREST

There were no declarations of interest.

19 TREE PRESERVATION ORDER NO. 452 (2008): WOODLAND TO THE REAR OF WOODLANDS COTTAGE, OFF WOODLANDS DRIVE, SILVERDALE

Present at the meeting to consider the matter were the appellants, Mr and Mrs Lloyd, the owners of the land to the rear of Woodlands Cottage, off Woodlands Drive, Silverdale. Also present was Councillor Sarah Fishwick, Ward Councillor for Silverdale.

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 an area of Woodland to the rear of Woodlands Cottage, off Woodlands Drive, Silverdale identified as W1.

W1 was a mixed species woodland including ash, sycamore, yew, willow, beech and holly. Age class ranges from semi-mature to mature.

The site was established within Arnside and Silverdale Area of Outstanding Natural Beauty (AONB) within the village of Silverdale. The site was undulating and steep in areas, with exposed limestone, characteristic of the area. The site was established close to a small number of private residential properties off Woodlands Drive, Silverdale.

The amenity of the trees had been assessed using an objective and systematic approach (Tree Evaluation Method for Preservation Orders – TEMPO system). A score of 15+ was achieved, supporting the action of serving a TPO.

Mr and Mrs Lloyd and Councillor Sarah Fishwick spoke in relation to their objection to the Tree Preservation Order. The main points highlighted were as follows:

- That the land was being classed as woodland when it was actually gardens.
- That some of the trees were affecting rockery and walls which needed to be rebuilt as part of the restoration of the historic gardens.
- That there were many overgrown saplings and uncontrolled growth that needed to be thinned to allow light to the mature specimen trees to allow them to grow healthily and improve the area for other plants and wildlife.
- That the area needed to be managed and it would therefore not be suitable to put a blanket TPO on the area.
- That there was little amenity value to the public as the area could not be seen by many.

Members directed questions to Mr and Mrs Lloyd and Councillor Sarah Fishwick.

The Tree Protection Officer reported that the City Council had received information from a concerned member of the public, reporting that a number of trees had been removed and several trees had been marked with spray paint. A site visit was then made by Maxine Knagg on 17th December 2008 which confirmed that recently felled tree stumps could be seen around the site, stacked recently felled timber and a number of trees marked with spray paint, usual practice in identifying trees for removal. Equipment lay within the site to assist in the extraction and removal of felled trees.

The Tree Protection Officer informed the Committee that it was considered expedient, in the interests of amenity to make provision for the preservation of the trees in question under Sections 198, 201 and 203 of the Town and Country Planning Act 1990. The Tree Protection Officer cited that the site was an important visual amenity and could be seen from the public highway. The site also provided cohesion to the adjacent Eaves Wood and it was an important wildlife resource. The site was also considered to be under threat from removal, adversely affecting the character of the locality and wider AONB.

It was noted that placing a TPO on this area would not stop Mr and Mrs Lloyd from managing the site but would mean that the City Council would have to be consulted on the work to be done and would give the Council input as to how the site was managed. If there was a TPO in place then the work to be undertaken would need to be agreed with the City Council beforehand.

Members directed questions to the Tree Protection Officer.

(The Committee adjourned to consider the evidence. The Tree Protection Officer, Mr and Mrs Lloyd and Councillor Sarah Fishwick left the meeting at this point.)

Members considered the options before them:

- (1) To confirm the Tree Preservation Order No. 452 (2008)
 - (a) Without Modification
 - (b) Subject to such modification as is considered expedient
- (2) Not to confirm Tree Preservation Order No. 452 (2008)

It was proposed by Councillor Chris Coates and seconded by Councillor Janie Kirkman:

“That Tree Preservation Order No. 452 (2008) be confirmed without modification.”

Upon being put to the vote 4 members voted in favour of the proposition and 2 members voted against whereupon the Chairman declared the proposal to be carried.

(The Committee reconvened to give their decision. The Tree Protection Officer, Mr and Mrs Lloyd and Councillor Sarah Fishwick returned to the meeting at this point.)

Resolved:

That Tree Preservation Order No. 452 (2008) be confirmed without modification.

Chairman

(The meeting ended at 4.45 p.m.)

**Any queries regarding these Minutes, please contact
Sharon Marsh, Democratic Services**