

PUBLIC APPEALS COMMITTEE - 20 MAY 2005

Councillor R M Sutherland (Chairman)

Present (for all or part of the meeting):-

Councillors:

B M Cross

W J Kemp

Mrs L Davies

J C Sillito

PA1 MINUTES

Minutes of the meeting held on 23 March 2005 submitted and signed.

PA2 APOLOGIES

Apologies for absence were received from Councillors A T A Godfrey, P G Goodland and J H Kennedy (Councillor W J Kemp attended as his substitute).

PA3 TREE PRESERVATION ORDER NO 331, 2005 - LAND TO ADJACENT TO 99 DRIVEWAY TO 99A AND 101 OULTON ROAD, STONE

The Committee considered an objection to Tree Preservation Order No 331, 2005 from Mr G F Conlong of Wendover, 99b Oulton Road, Stone. The objection related to two trees, T3 and T6, both Silver Birch trees situated in the driveway to 99a and 99b Oulton Road, Stone. However, at the meeting, Mr Conlong withdrew his objection to T3.

The Order had been made to protect the trees following an application for development of an adjacent site. The trees contributed to the public amenity of the area.

The objection to T6 was based on the fact that a recent drain survey, showed damage to the drain by ingress of tree roots. Both Mr Conlong and Dr Pratt the adjoining owner of 99a Oulton Road needed to have immediate access along the length of the drain for maintenance purposes.

A copy of the Tree Preservation Order, the report of Head of Planning and Engineering Services and the objection letter, together with the recent drain survey was circulated to Members of the Committee prior to the meeting. The Head of Law and Administration reported the receipt of a letter from Mr Pick of 101 Oulton Road asking for the Order to be confirmed without modification. A copy of the letter was circulated at the meeting.

The Committee visited the site with the owner of the property and his neighbour.

Mr Conlong and Dr Pratt attended the meeting and spoke in support of the objection.

Mr Pick also attended the meeting and with the consent of the Chairman spoke on this matter.

The Committee also considered whether to amend the Schedule to the Order as the description of trees T3 and T5 was incorrectly stated.

The Committee considered carefully the representations made by both the Council's Officer, the Objector and the owner of 101 Oulton Road.

RESOLVED:- that in exercise of the authority delegated to the Committee, Tree Preservation Order No 331, 2005 be confirmed subject to the following modifications:-

- (i) the deletion of T6 as it appeared this tree was causing current damage to and could cause further damage to the existing drain;
- (ii) the Schedule to the Order be amended to reflect the position of T3 as adjacent to 101 and driveway to 99a and 99b Oulton Road, Stone and not adjacent to 99 and driveway to 99a and 99b Oulton Road, Stone.

The Committee's reason for confirming the Order subject to the modifications was:-

that the trees covered by the Tree Preservation Order have public amenity value and contribute to the overall treescape of the area.

(A copy of the documents referred to are available upon request from the Head of Law and Administration)

PA4 **TREE PRESERVATION ORDER NO 334, 2005 - LAND OFF TITTENSOR ROAD, TITTENSOR**

The Committee considered an objection to Tree Preservation Order No 334, 2005 from Mr J Feilding, on behalf of the owner of the land, Mr J Sanders.

The Order had been made following the receipt of an application for the development of the site for 18 dwellings which had been subsequently withdrawn. The Ash tree was considered to be under threat and had public amenity value.

The owner of the land had objected on the grounds that the tree was "young and mature" and did not provide a habitat for wildlife, was part of a

formal garden which had now had been allowed to grow wild, and did not have public amenity value.

A copy of the Tree Preservation Order, the Agents' objection and the report of the Head of Planning and Engineering Services was circulated prior to the meeting.

The Committee visited the site with the owner's agent, Mr A Pym, two local residents, Mr D Howdle and Mr N Hawley-Evans and the local ward member, Councillor J R Russell.

Mr Pym attended the meeting at the Civic Centre and spoke in support of his clients' objection. Mr Howdle and Mr Hawley-Evans attended the meeting and with the consent of the Chairman spoke in support of the Order.

The Committee carefully considered the representations made by Mr Pym, the Council's Officer and the local residents.

RESOLVED:- that in exercise of the authority delegated to the Committee, Tree Preservation Order No 334, 2005 be confirmed for the following reason:-

The tree has public amenity value, contributes to the overall treescape and provides a habitat for wildlife.

(A copy of the documents referred to are available upon request from the Head of Law and Administration).

Proceedings commenced at 9.30 am and terminated at 12.15 pm.