

PUBLIC APPEALS COMMITTEE - 12 JANUARY 2006

Councillor R M Sutherland (Chairman)

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

Councillors:

B M Cross

M T Millichap

P G Goodland

A J Tedstone

W J Kemp

K S Williamson

PA16 MINUTES

Minutes of the meeting held on 12 October 2005 submitted and signed.

PA17 APOLOGIES

Apologies for absence were received from Councillors Mrs L Davies, (substitute Councillor A J Tedstone), A T A Godfrey, (substitute Councillor W J Kemp), J H Kennedy, (substitute Councillor M T Millichap), and J C Sillito, (substitute Councillor K S Williamson),.

PA18 TREE PRESERVATION ORDER NO 348, 2005 - TREE AT LAND ADJACENT TO YARNFIELD HOUSE, YARNFIELD LANE, YARNFIELD

The Committee considered an objection to Tree Preservation Order No 348, 2005 from OCA U K North Limited, representing Mr R J Simcock and Persimmon Homes (North West) Limited (Charles Church North West).

The Order had been made to protect the tree following a consultation relating to a planning application for the redevelopment of the site as it was considered that the tree was prominent in the landscape and was the principal feature of Yarnfield Lane, especially when viewed from the east. It was also distinctly visible on the skyline from local footpaths and there would be a noticeable gap in the canopy if it were removed.

The appellant's agent had made objections relating to the drafting of the Order and also submitted that, as the tree was diseased, it should not be protected. With regard to the drafting objections, the Council's officers and the appellant's agent had agreed, prior to the meeting and subject to the Committee's agreement, that these could be resolved by modifying the plan to reflect the correct position of the tree and confirming the schedule included in the Order.

A copy of the Tree Preservation Order, the report of the Head of Planning and Engineering Services, the objection letters from OCA UK North Limited, together with letters from local residents supporting the making of the Order were circulated to the Members of the Committee prior to the meeting.

Dr O'Callaghan and Mr D Thorman, the Council's Consultant Arboriculturalist, submitted further written evidence at the Committee meeting.

The Committee visited the site prior to the meeting with Dr D O'Callaghan, Mr R Simcock, Mr Paul Windmill, Forward Planning Manager and Mr D Thorman, and reconvened at the Civic Centre.

Dr D O'Callaghan attended the meeting and spoke in support of his objection to the Order, together with Mr R Simcock. Mr P Windmill and Mr D Thorman attended the meeting and spoke in support of confirming the Order without modification.

Mrs D Mugglestone, Mrs S Hughes and Mrs K Ong, local residents, attended the meeting and spoke in support of the Order . Several other local residents were also present at the meeting but did not speak.

The Committee considered carefully the representations made by Dr O'Callaghan, Mr P Windmill, Mr D Thorman and the local residents.

RESOLVED:- that in exercise of the authority delegated to the Committee, Tree Preservation Order No 348 of 2005 be confirmed subject to modifications to the schedule and the plan as agreed between the parties.

The Committee's reasons for confirming the Order:-

- 1 It was considered expedient in the interests of amenity of the area to make provision for the preservation of the tree
- 2 The exemption as set out in Section 198 (6) (a) of the Town and Country Planning Act 1990 does not apply.

Proceedings commenced at 9.30 am and terminated at 12.30 pm.

(Copies of the documents referred to are available on request from the Head of Law and Administration)