

16 MAY 2002

NEW FOREST DISTRICT COUNCIL

APPEALS PANEL

Minutes of a meeting of an Appeals Panel held at The Memorial Centre, New Milton, on Thursday, 16 May 2002.

Councillors:

p K F Ault
p Mrs L C Ford

Councillors:

p Mrs M Humber BA

Officers Attending:

N Gruber, Mrs L James and A Rogers.

1. ELECTION OF CHAIRMAN.

RESOLVED:

That Cllr K F Ault be elected Chairman for the meeting.

2. MINUTES (REPORT A).

That the minutes of the Appeals Panel meeting held on 18 July 2001, having been circulated, be signed by the Chairman as a correct record.

3. DECLARATIONS OF INTEREST.

There were no declarations of interest in connection with any agenda item.

4. OBJECTION TO TREE PRESERVATION ORDER NO. 102/01 – LAND REAR OF 13 WHITEFIELD ROAD NEW MILTON (REPORT B).

The Panel examined an objection to Tree Preservation Order 102/01 relating to land to the rear of 13 Whitefield Road, New Milton, and considered whether to confirm the Order.

Members had met prior to the meeting in order to view the tree covered by the Order.

The TPO was made on 10 December 2001 and protected one horse chestnut tree identified as T1 on the plan provided and attached to Report B as Appendix 1. The TPO was made following informal discussions for development of the adjacent site

and a request from an adjoining business. Following service of the TPO, two letters of objection were received. The first was from Mr Alan Brant (joint owner of the site on which the tree stood) received on 27 December 2001, and the second was from Mrs M Hopkins (joint owner of the site) received on 14 January 2002.

The Panel noted the legal framework governing tree preservation orders and objections to them.

Mr Brant explained his reasons for the objection. Mr Brant did not object to the tree as such, but to the way in which a TPO would inhibit future development of the site on which it stood. Mr Brant made the point that the land to the rear of 13 Whitefield Road comprised of business premises, and not residential. Mrs Brant also addressed the Panel and stated that they as joint owners of the site had no immediate intention of cutting the tree down, although she did feel it may be necessary to prune it from time to time, but felt the applications process to be unnecessarily complicated. Mrs Brant also made the point that cars in the car park often hit the tree by accident.

Mrs Hopkins (the joint owner) briefly addressed the Panel and echoed the points made by Mr and Mrs Brant.

The Council's arboriculturist set out the case for preservation. It was explained that the TPO lasted the life of the tree, but applications could be made for pruning or felling where appropriate. The tree was a mature chestnut tree in good condition with no signs of decay or instability. It was Mr Gruber's view that, with sound management and pruning, the future life expectancy of the tree could be in the region of 20 years. He felt the tree was a very prominent feature and could be seen from surrounding roads and the recreation ground nearby. It was pointed out that any considerations in respect of future development nearby and how that might affect the tree in terms of its visibility, should not form part of the Appeals Panel's deliberations, as the main consideration was the current amenity value of the tree. In summing up, Mr Gruber felt that the tree made a positive contribution to the area and was a significant addition to trees in New Milton generally.

The Chairman read out a letter from the local ward member, Cllr B Earwicker, which is appended to these minutes as Annex 1. Cllr Earwicker had written in support of the TPO.

After inviting each party to sum up and make any further comments or ask any further questions, the Chairman invited the Council's legal representative, Mrs James, to sum up the position and remind the Panel of its task.

Mrs James pointed out that the Panel had to consider all the representations and the evidence of the arboriculturist, and to weigh up the arguments whilst bearing in mind the legal framework previously set out.

The Chairman then closed the meeting and the Panel made its deliberations.

Whilst bearing in mind the issues of future development raised by the Objectors, the Panel focused on the amenity value of the tree and its current environment. It was felt that the tree made a positive contribution to the area, made an impact on its surroundings as a significant skyline feature, and was at risk of removal in the future.

Accordingly, having considered carefully the evidence given, the Panel unanimously agreed to confirm the Order without amendment.

RESOLVED:

That Tree Preservation Order 102/01 be confirmed without amendment.

CHAIRMAN

(ap160502)