

23 OCTOBER 2003
NEW FOREST DISTRICT COUNCIL
APPEALS PANEL



Minutes of a meeting of Appeals Panel held at the Town Hall, Lymington on Thursday, 23 October 2003.

Councillors:

p Ms L C Ford
p Mrs B M Maynard
p D J Russell

Councillors:

p D N Scott
p M H Thierry

In Attendance:

Cllr K F Ault

Officers Attending:

Miss J Debnam, J Hearne, M Hines and Miss J Mutlow.

11. ELECTION OF CHAIRMAN FOR MEETING.

RESOLVED:

That Cllr Ford be elected Chairman for the meeting.

12. MINUTES (REPORT A).

RESOLVED:

That the minutes of the meeting held on 8 September 2003, having been circulated, be signed by the Chairman as a correct record.

13. DECLARATIONS OF INTEREST.

There were no declarations of interest made by any member in connection with an agenda item.

14. TREE PRESERVATION ORDER 58/03 – LAND OF 22 ST ANNE'S GARDENS LYMINGTON (REPORT B).

The Panel considered an objection to the inclusion of one of two lime trees (T2), growing on the eastern side of 22 St Annes Gardens, Lyminster within Tree Preservation Order 58/03. There was no objection to the protection of the second Lime Tree (T1).

The meeting had been preceded by a site visit to allow members of the Panel to establish the geographical context of the protected tree, and to form an opinion about its health and amenity value. The site visit had been attended by Mrs Evans, the owner of the tree, who had been unable to attend the formal hearing.

The Council's Solicitor explained the role of the Panel in considering whether a tree should be subject to a Tree Preservation Order. The issues that might be taken into account were strictly limited by statute and related the amenity value of the tree and whether it was expedient to make the Order. Guidance was given on what should be taken into account in considering amenity value.

The Panel had before them a letter from Mrs Evans which set out the grounds for her objection. In essence, Mrs Evans was concerned that a planning application could be prejudiced if the lime tree (T2 on the plan) was protected.

The Council's Arboriculturist drew members' attention to the amenity value of the tree, which was very prominent in the street scene. It was a pollarded lime, in good health. It should continue to be pollarded and managed, and was expected to enjoy a further lifespan of several decades. Whether or not the tree might prejudice a planning application was irrelevant to the current consideration, which must be based on the amenity value of the tree. The existence of a Tree Preservation Order may however be a material consideration in the determination in any subsequent planning application for the site.

Members questioned whether a Tree Preservation Order would have been served on this tree, had it not been perceived to be under potential threat as a result of a planning application. They were advised that the Council did not have the resources to routinely survey the area for trees which were of high amenity value. It was common practice for a planning application to trigger the consideration of whether trees on the site should be protected.

Members were further advised that trees within an urban environment could cause problems such as damage to nearby hardstandings. This was common to many trees within the urban environment and should not be considered as a ground for deciding that a tree should not be protected. The issue was whether the tree provided significant amenity value within the street scene.

Cllr Ault, one of the local ward Councillors, reported that he had spoken to Mrs Evans who did not wish to remove the lime tree. She merely wished to protect her position should she submit a planning application for the site. She did understand that a planning consent would overrule the controls imposed by a Tree Preservation Order.

There were no views submitted by Lyminster and Pennington Town Council.

In summary, the Council's Arboriculturist emphasised the amenity value provided by the tree.

The Chairman then closed the hearing.

The Panel considered that the lime tree (T2) did provide significant amenity value within the street scene and also that it was expedient for this tree to be protected.

RESOLVED:

That Tree Preservation Order 58/03 be confirmed without modification.

CHAIRMAN

(ap231003/TPO58/03)