

APPEALS PANEL

Minutes of a meeting of the Appeals Panel of Broadland District Council, held on Tuesday 21 September at 10.30am at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich.

Committee Members Present: Councillors: N J Brennan (Chairman) S J Catchpole and S Prutton

Speakers present: Mr D R Parsons – objecting

Officers in Attendance: The Conservation and Tree Officer (MS) – presenting the case for the Order and the Democratic Services Officer (DM)

1 DECLARATIONS OF INTEREST UNDER PROCEDURAL RULE NO 8

No declarations of interest were made.

2 APOLOGIES FOR ABSENCE

No apologies were received.

3 MINUTES

As no member at the 7 April meeting was present at this meeting, the previous chairman of the Panel, Cllr S Lawn had confirmed in writing that she was satisfied the minutes were a true and accurate record. It was accordingly agreed that the minutes of the meeting held on 7 April 2021 be confirmed as a correct record.

4 THE BROADLAND DISTRICT TREE PRESERVATION ORDER 2021 (No 2) LAND AT WOOD GREEN SALHOUSE

The Chairman welcomed everyone to the meeting and explained the procedure for the Hearing. Prior to the meeting, the Panel had taken the opportunity to visit the site and view the tree and its location.

The Panel then heard from one of the objectors, Mr Parsons who explained his concerns about the tree. His property suffered from a loss of light into his hallway and kitchen and he had installed considerable extra lighting to combat this. He wanted to remove the tree and had spoken to all his neighbours. They too were concerned about the tree and the nuisance of tree debris and the risk to peoples' safety. He was also concerned about traffic from the industrial estate as he regularly heard screeching and horns and was worried about potential accidents. He suffered with his internet service which he regularly lost for 3 hrs per day. He added that there were 6 letters of objection to the making of the order and 4 supporting, so there was a majority against the order being made. He had been advised that work could be carried out to the tree but the residents did not want the ongoing maintenance problem. No owner of the tree had come forward. The owner of the industrial estate had offered to contribute to the cost of the removal of the tree. Mr Parsons said he felt the Leyland Cypress tree was not a native species and had little historical or nature value. If it had been an Oak tree he would understand the need to protect the tree.

Mr Parsons then answered questions from members. He said he was unsure if the owner of the industrial estate would be willing to help with maintenance costs. It was pointed out to him that the tree did not obscure visibility for traffic emerging from the estate and he acknowledged that drivers leaving the estate did not stop at the junction and just kept going. Mr Parsons was asked if the issue with lighting was caused by a lack of direct sun or a lack of light. He responded that it was both and that his property did not get any sunlight. The Conservation and Tree Officer commented that he had assessed the direct sunlight falling on the property and that this was lost in late afternoon/early evening. Mr Parsons said he lost direct sunlight at approximately 1pm, earlier in winter. Mr Parsons confirmed he had not explored any other options to get more light into his property. The lower branches of the tree due to their large span, were only 4-5 m away from his property. He was advised that a canopy lift would help to alleviate this and allow more light to filter through. With regard to loss of internet connection, Mr Parsons confirmed he believed the 3 properties served by the overhead cables running through the tree all suffered with loss of their broadband but he did not think this was an issue for other residents. He had not been successful in his attempts to secure improvements from Openreach.

The Panel then heard from the Conservation and Tree Officer. He stated that the making of the order had stimulated quite a large response from local residents with the main concerns being debris in the form of needles and dead wood, loss of light, potential risk of the tree causing harm to safety and it falling and the impact on the broadband service. He was of the view that remedial works could be undertaken to mitigate these concerns which were relatively straight forward and reasonable. The Leyland Cypress species did not regenerate growth from old wood and so any work carried out to remove

branches tended to be a one-off and would not require repeated maintenance to remove regrowth. This would help to resolve the internet connection issues and was likely to cost less than removal of the tree. Those who were in support of the making of the order had commented on the visual amenity of the tree and its value in screening the industrial estate. There was also evidence of wildlife in the tree; a flock of starling had been heard in the tree during the members' site visit. He was of the view that the tree should be retained as it had a number of benefits and that the concerns raised could be mitigated by remedial works. He acknowledged that there was some question as to who would undertake this work as no one had claimed ownership of the tree. Should the tree become a significant nuisance for users of the highway, this could be pursued with the Highway Authority who could undertake remedial work.

In answer to questions, the Conservation and Tree Officer confirmed that the Utilities agencies also had powers to undertake remedial works to protect their infrastructure. With regard to the potential height of the tree, the Officer stated the potential height of this species was still unknown but he was of the view that, in its current location and given the constraints of the site, this tree was unlikely to achieve its full height potential and may not grow much taller than its existing height. He also believed the span of the tree was unlikely to increase to any great extent and in any event sympathetic tip reduction was an option to reduce the span of the branches. In response to a comment that the tree was now much larger than the google earth image indicated, the Officer commented that the google earth street map of this area of the district had potentially been carried out in 2008 and was now out of date.

In his closing statement, the Conservation and Tree Officer stated he felt the removal of the tree was not necessary to abate many of the concerns raised and would be a significant loss to the visual amenity of the street. Remedial works were relatively straight forward and the TPO would protect the tree now and protect the space for any future subsequent tree replacement.

In his closing statement, Mr Parsons stated that the majority of residents responding to the Order were against the protection of the tree and he hoped the Panel would support the majority.

The Conservation and Tree Officer and Mr Parsons then left the meeting whilst the Panel deliberated their decision. They were subsequently readmitted to the meeting and Chairman announced the Panel's decision.

Having regard to all the information before them, both written and oral, and having regard to the criteria used to make the Order, the Panel decided to confirm the Order.

The Panel was satisfied that the provisional TPO had been implemented and served in a just and appropriate manner and that the making of the Order was

expedient in the interests of amenity to make provision for the protection of the tree. They were unanimously agreed that the criteria for making the Order had been satisfactorily met and that the order should be confirmed.

It was, accordingly,

RESOLVED to confirm the Broadland District Tree Preservation Order 2021 (No 2) Land at Wood Green, Salhouse.

If any person was aggrieved by a local authority's confirmation of a Tree Preservation Order, they may, within 6 weeks of that confirmation, apply to the high court under section 288 of the Town and Country Planning Act 1990, for an order quashing or (where applicable) suspending the order, either in whole or in part. The grounds upon which such an application may be made are that the order is not within the powers of that Act or that any relevant requirements have not been complied with in relation to that order.

(The meeting concluded at 11.30 am)

Chairman