

APPEALS PANEL

Minutes of a meeting of the Appeals Panel of Broadland District Council, held on Monday 30 May 2022 at 10.30am at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich.

Committee Members Present: Councillors: N J Brennan (Chairman), K Lawrence and S Prutton

Speakers present: Ann Wren, Graham Wren, Paul Lowndes, Janet Lowndes, Rebecca Calthorpe, Cllr J Fisher (Thorpe St Andrew Town Council)

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 were made.

2 APOLOGIES FOR ABSENCE

No apologies were received.

3 MINUTES

The minutes of the meetings held on 9 March and 13 March 2022 were confirmed as a correct record and signed by the Chairman.

4 PROVISIONAL TREE PRESERVATION ORDER (TPO 2021 No 13) 97 THUNDER LANE, THORPE ST ANDREW

The Chairman welcomed everyone to the meeting. Prior to the meeting, the Panel had taken the opportunity to visit the site and view the tree and its location. The following residents were in attendance at the site meeting: Rebecca Calthorpe, Anne Wren, Graham Wren, Claire Stone, Kevin Stone, Stephen Bell, Paul Lowndes and Janet Lowndes.

Members of the Panel, the Conservation and Tree Officer and the Democratic Services Officer then viewed the tree from within the garden of No 97 Thunder Lane.

The objectors had apologised for being unable to attend the Hearing and members had regard to their written representations.

In presenting his case, the Conservation and Tree Officer stated that the order had been made because of a known threat to the tree. He had been contacted by a number of concerned residents who had been advised by the owner of the property immediately adjoining the tree that they had instructed a tree surgeon to quote for the removal of the tree. Works had been agreed and had been imminent. The tree was not covered by an existing TPO nor was it in a conservation area so had no protection. There had been no previous threat to the tree to warrant its protection. Due to the size and form of the tree and its prominent location, a decision had been taken to make the order to protect the tree. There had been strong support for the protection of the tree and one objection to the Order. The Conservation and Tree Officer referred members to the report for his responses to the objections raised. Due to its type and size, it was acknowledged that there would be a degree of seasonal nuisance from the tree but this did not warrant its removal. The tree had been in place for many decades and its loss would deplete the local environment of a significant tree.

In response to questions from members, the Conservation and Tree Officer stated he believed the tree was 60+ years old and that there were very few similar species in the area. He believed the tree had achieved its full height potential at approximately 50ft and it appeared to be a healthy specimen, a view shared by the Arboricultural report commissioned by the supporters. He confirmed it appeared that a degree of pruning of lower and overhanging branches had occurred. With regard to any future pruning works, he was of the view that there was scope for a degree of sympathetic lateral reduction to help with overhanging branches but this would not hugely improve any exiting overshadowing. The tree had largely been free to grow as a single specimen and had adapted to the prevailing winds with a good root structure to support this. The tree had withstood the three recent named storms. It was leaning away from the adjoining dwelling and this could be due to the location of a walnut tree in that garden. There was no indication that the tree structure was compromised and no evidence of any lightning strike damage.

The Panel then heard representations from the following nearby residents who spoke in support of the order: Ann Wren, Graham Wren, Paul Lowndes, Janet Lowndes and Rebecca Calthorpe. They reaffirmed their desire to see the tree protected. They had commissioned a further report on the condition of the tree which had confirmed it was a mature tree in good condition and with good vitality. There was no evidence of any threat to the tree and that it warranted protection. Copies of the report were provided to members of the

Panel. The tree was a fundamental feature in the landscape and there was no reason for its removal. It would be a great loss. The tree was very important to the local residents and was a significant, longstanding feature in the landscape. The residents of Lodge Place had formed a limited company to take care of communal areas in Lodge Place and much care had been taken of the area. The residents raised concerns that they feared some degree of pruning had taken place to the tree since the order had been served. With regard to a claim that the tree was growing exponentially, the residents did not believe this was the case and that the tree had reached its full potential. It was confirmed that the tree had been a large specimen when one of the residents had first moved to the area some 36 years previous. In response to a question, the residents confirmed that no maintenance had been carried out on the tree. The tree had however lost lower branches as a result of collisions with refuse collection vehicles accessing Lodge Place.

The Panel then heard from Cllr J Fisher on behalf of Thorpe St Andrew Town Council. He drew attention to the criteria for making an order as set out in the agenda papers. He stated that the tree clearly made a significant contribution to the local and wider environment, forming part of the tree belt of Thorpe Ridge. There was no reason to believe it was dangerous, and it contributed to the biodiversity of the immediate area being full of wildlife. He added there was no justification for removing the tree and that there was a need to be mindful of the local environment and what existed in the locality before purchasing a property.

In answer to a questions, the Conservation and Tree Officer confirmed that, if the order was confirmed, any works needed to the tree would need to be the subject of a tree works application. This did not apply however to dead wood or exempt works such as the clearance of lower branches overhanging a highway. Any other work carried out to the tree without an application being submitted would potentially be deemed unauthorised work and contact could be made with the Planning Compliance team at the Council for formal investigation. The existence of a TPO also removed the common law rights to trim back branches to the boundary.

In summing up, the Conservation and Tree Officer stated that the tree was a valuable specimen and was clearly important to the residents and he invited the Panel to confirm the Order.

With the exception of the Democratic Services Officer, all present then left the meeting whilst the Panel deliberated its decision. They were subsequently readmitted to the meeting and the 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 (unanimously) to confirm the Order. The Panel was satisfied that the provisional TPO had been implemented and served in a just and appropriate

manner and was expedient in the interests of amenity to make provision for the preservation of the tree. The Panel was also satisfied that the Council's criteria for making the Order had been met: the tree made a significant contribution to the local environment, there was no reason to believe it was dangerous, it had a life span in excess of 10 years, it did not present an unacceptable or impracticable nuisance and contributed to the biodiversity of the immediate area.

It was, accordingly,

RESOLVED to confirm the Broadland District Tree Preservation Order 2021 (No 13) 97 Thunder Lane, Thorpe St Andrew.

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 11.30am)

Chairman