

BRECKLAND COUNCIL

At a Meeting of the

APPEALS COMMITTEE

**Held on Wednesday, 24 January 2007 at 10.00am
in The Town Hall, Queens Square, Attleborough**

PRESENT:

Sherwood, Mr I (Chairman)
Francis, Mr P

Rudling, Mr R
Spencer, Mrs P

IN ATTENDANCE:

Addison, Mr G
Britton, Mrs J
Burrows, Mr N
Fisher, Mr R

- Tree and Countryside Officer
- Senior Committee Officer
- Principal Environmental Health Officer
- Tree Preservation Review Officer

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01/07 MINUTES (AGENDA ITEM 1)

The minutes of the meeting held on 25 October 2006 were confirmed as a correct record and signed by the Chairman.

02/07 APOLOGIES (AGENDA ITEM 2)

Apologies for absence were received from Mr R Duffield and Mr J Ramm.

**03/07 OBJECTION TO THE MAKING OF TREE PRESERVATION ORDER 2006
NO. 44 THE ROOKERY, 73 THE STREET, ROCKLANDS ALL SAINTS
(AGENDA ITEM 6)**

The Chairman explained the order the meeting would follow.

Mrs Gibbon, the owner of The Rookery, was in attendance to make a submission in support of her objection to the above Tree Preservation Order.

The Tree and Countryside Officer reported that the TPO 2006 No. 44, relating to reference T1 to T8 and G1, had been served on Mr and Mrs Gibbon in respect of the Rookery on 2 October 2006. The Order had been made under Section 198 of the Town and Country Planning Act 1990 on the grounds that the trees had significant amenity value, that they might be under threat of felling by the owners and it was the Council's statutory duty to protect important amenity trees.

The Order would expire unless it was confirmed by 2 March 2007.

The Tree and Countryside Officer explained that the scores derived for the individual trees were found to be worthy of a TPO, and were considered to be particularly valuable specimens that provided a contribution to the local landscape. Group1, lying in the apex of two roads, The Street and Low Lane, was a coherent and dense stand of trees. It was separated from the main grounds by a drain and formed a landscape unit which was visually very prominent in the core of the village. Felling within the grounds of The Rookery had been reported by a member of the public in early July 2006.

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Mrs Gibbon was given the opportunity to ask the Tree and Countryside Officer questions.

Mrs Gibbon was unhappy about a number of points pertaining to Appendix D, the individual assessments of trees and methodology, which included the 100% visibility score that the trees had been given and the characteristic to the locale. Referring to the second point, Mrs Gibbon explained that most of the trees were adjacent to a Grade 2 Listed Building, and some were near neighbouring properties. She felt that it was her responsibility to trim the trees to prevent future damage or accidents.

In response to the first question, the Tree and Countryside Officer explained that a TPO did not stand or fall on visibility alone. The facts were that the trees were considered to be an important amenity, provided biodiversity, a habitat, and a landscape in an area of Breckland that was sparsely treed. As far as the second point was concerned, the Tree and Countryside Officer advised that the trees were not immediately adjacent to other properties, and were single specimen trees that were considered to be good examples and not a threat to neighbouring properties.

Mrs Gibbon asked why the trees should be covered by a TPO. It was explained that it would protect the trees as they were situated in the same grounds as others that had recently been felled.

Another question related to the Ash trees, which according to Mrs Gibbon had been listed on the Council's website as not having any biodiversity value. Members were assured that the Ash was a native species and should be included as having biodiversity value; it had been probably been inadvertently omitted.

Mrs Gibbon was then given the opportunity to put her case forward.

She explained that she and her husband had resided at the property for the past 9 years and were both shocked when the Order was received back in July 2006. She felt that the scoring mechanism was inaccurate and explained the reasons for this, highlighting the fact that some trees, albeit taller, had been given lower scores than those of a lesser height. She also drew attention to the anomalies of the girths of the trees surrounding The Rookery, and anomalies pertaining to the landscape and amenity value. Mrs Gibbon pointed out that the trees adjacent to her neighbours, T2 and T3, in her opinion, were trees that had seeded themselves. She had no intention of doing anything more to the trees without relevant permission, unlike the row of Chestnut trees which had been the subject of contention. Mrs Gibbon thanked the Committee for giving her the opportunity to speak.

The appellant was asked the reason for her objection to the Order and whether she had any intentions of felling the said trees. In response, Mrs Gibbon advised that it was just the principle of it all that she had objected to as it would mean that permission would have to be sought every time work on the trees was necessary. Mrs Gibbon assured Members that it was not her intention to fell any trees but that she would like to lower T2 and T3.

After a number of questions, the public were asked to vacate the room so that the Committee could make a decision.

Taking into consideration the importance of protecting amenity trees and the landscape element in the village of Rockland All Saints, the Committee

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RESOLVED that the Order 2006 No. 44 be confirmed subject to the modification that G1 be clearly outlined on the map.

Gilbert Addison

04/07 TREE PRESERVATION ORDER 2006 NO. 14: ROEHAMPTON, SYERS LANE, BEESTON (AGENDA ITEM 7)

The Solicitor explained the reason for this item being brought back to Committee.

Members agreed that the Officer's interpretation of the Minute was correct, and it was

RESOLVED that the resolution be confirmed as stated in Minute No. 21/06 of the Appeals Committee meeting held on 12 July 2006.

Gilbert Addison

05/07 EXCLUSION OF PRESS AND PUBLIC (AGENDA ITEM 8)

RESOLVED that under Section 100 (a)(4) of the Local Government Act 1972, the press and the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Act.

06/07 APPLICATION TO GRANT A HACKNEY CARRIAGE PRIVATE HIRE VEHICLE DRIVERS LICENCE (AGENDA ITEM B.1)

This application was considered in the presence of the applicant.

Members were reminded that under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 the Licensing Authority had to be satisfied that an applicant for a Hackney Carriage/Private Hire Vehicle Drivers Licence was a 'fit and proper person' before granting that licence.

The Principal Environmental Health Officer explained the process concerning spent and unspent convictions. He further explained that there was no clear guidance as to whether matters such as these should be brought before this Committee or whether it should be at the Officer's discretion.

Previous convictions which had been spent were not required to be disclosed; however, following advice from the Solicitor Members felt that a fuller picture was required and the convictions should be made known.

The Principal Environmental Health Officer read out the copy of the enhanced disclosures.

The applicant was given the opportunity to put his case forward in support of his application.

Members noted the applicant's personal circumstances and felt that he should be given a chance as age was now on his side and agreed the Officer's recommendations.

RESOLVED that the Hackney Carriage/Private Hire Vehicle Licence be granted, subject to:

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- 1) the licence being restricted to six months, enabling the applicant to prove that he was a responsible person; and
- 2) delegated authority be given to Officers on renewal unless further concerns arise.

Following the Principal Environmental Health Officer's concerns with regard to paragraph 2 above, Members agreed that the decision to bring these matters to the Appeals Committee should be at the discretion of a Senior Officer.

The meeting closed at 12.15pm

CHAIRMAN