



Planning Committee
Monday, 30th July, 2018 at 11.30 am
in the Assembly Room, Town Hall, Saturday Market
Place, King's Lynn PE30 5DQ

Reports marked to follow on the Agenda and/or Supplementary Documents

1. **Decisions on Applications** (Pages 2 - 6)

2/TPO/00573 – report marked to follow

2. **Planning & Enforcement Service - Quarterly Report** (Pages 7 - 8)

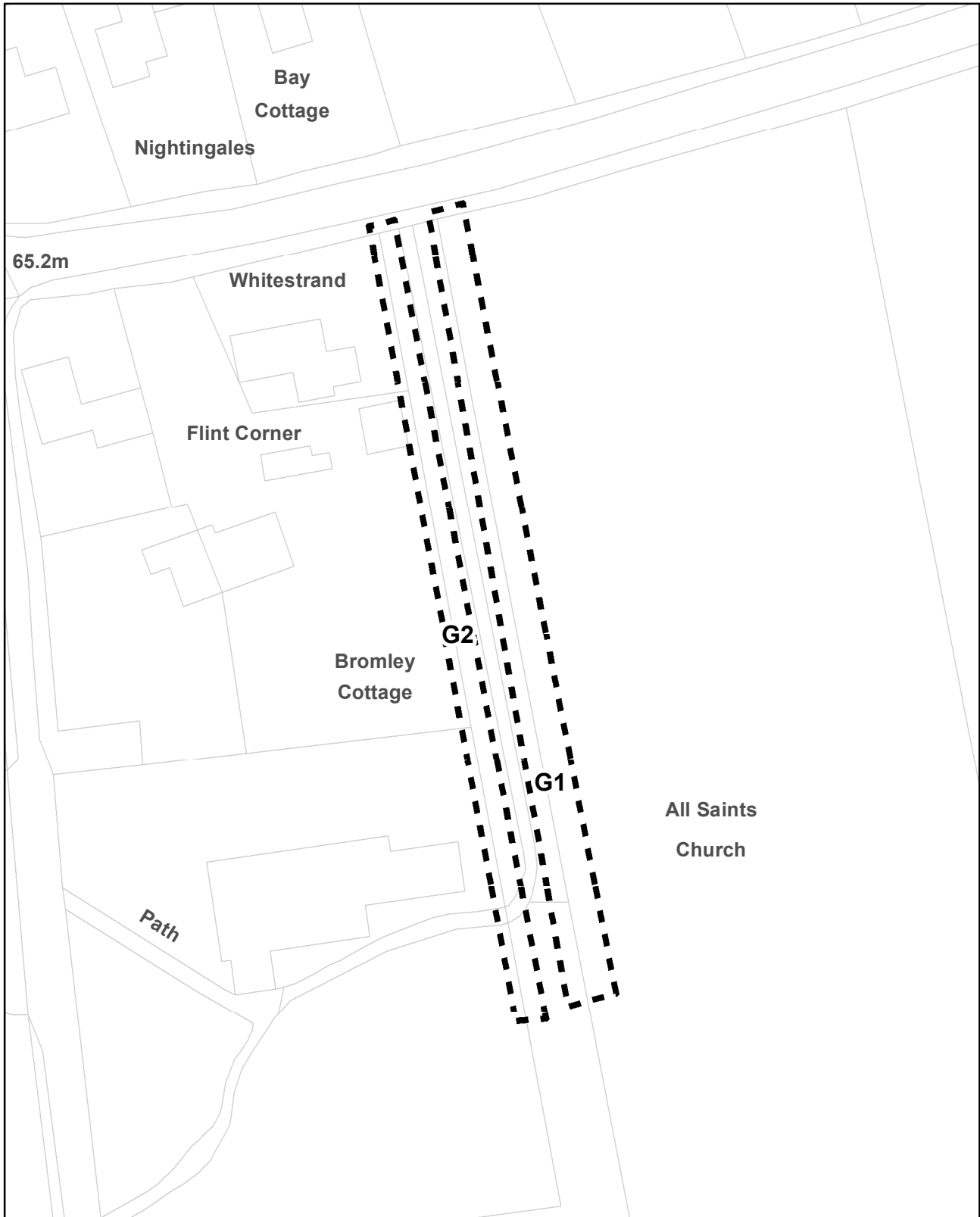
This report replaces the duplicate copy of the Planning and Enforcement appeals quarterly report

Contact

Democratic Services
Borough Council of King's Lynn and West Norfolk
King's Court
Chapel Street
King's Lynn
Norfolk
PE30 1EX
Tel: 01553 616394
Email: democratic.services@west-norfolk.gov.uk

2/TPO/00573

Church of All Saints Church Lane Stanhoe



1:750

AGENDA ITEM NO: 8/3(a)

| | | |
|-----------------------------|---|--|
| Parish: | Stanhoe | |
| Purpose of report: | TO CONSIDER WHETHER TREE PRESERVATION ORDER 2/TPO/00573 SHOULD BE CONFIRMED, MODIFIED OR NOT CONFIRMED IN THE LIGHT OF OBJECTIONS | |
| Location: | Church of All Saints Church Lane Stanhoe Norfolk | |
| Site owner/occupier: | Church of All Saints | |
| Case No: | 2/TPO/00573 | |
| Grid Ref: | 580204 336881 | Date of service of Order: 9 February 2018 |
| | | |

RECOMMENDATION - CONFIRM ORDER WITHOUT MODIFICATION

THE SITE

The two groups (G1 & G2) are growing on the eastern boundary of the church, bordering open fields. The groups form an attractive avenue, dating back to the Victorian era and known locally as The Plantern, they can be clearly seen from many vantage points throughout the village.

LDF CORE STRATEGY POLICIES

C12 - Environmental Assets

REASON FOR MAKING THE TREE PRESERVATION ORDER

Several members of the public contacted the borough council expressing concern over plans made by the Parochial Church Council (PCC) to remove the avenue wholesale and replant. Following a site visit it was found that the avenue had a high amenity value and it was expedient that a Tree Preservation Order (TPO) was served.

OUTLINE OF OBJECTIONS AND REPRESENTATIONS

Four letters of objection have been received from the PCC, the director of Stanhoe Farms LTD, and concerned members of the public, a summary of their objections are outlined below:

1. The trees could be a danger to the users of the path, adjacent dwellings and the Grade 1 listed church.

2. If all of the trees were removed re-planted then future generations will benefit from a complete avenue, rather than fragmented removal which will lead to an uneven avenue.
3. The cost of maintenance is too high and the removal and replacement will be a cheaper option.
4. The trees have dropped large branches, some causing damage.
5. They may be possible structural damage to the church.
6. All of the Chestnuts have leaf miner and several have signs of bleeding canker.

Four letters of support have been received by concerned Stanhoe residents a summary of their comments are below:

1. The trees outlined in the TPO are fundamental to the village; they are aesthetically pleasing and in keeping with the nature of the village.
2. How sad it would be if all old, mature trees were felled and replaced with young trees.
3. The trees are crucial in terms of the natural setting of the village and this historic walkway down to the church.
4. It would be a mistake to remove these important mature trees, which in fact represents the only truly mature tree presence left in the village

All correspondence received can be viewed in full on the councils website under reference 2/TPO/00573

RESPONSE TO OBJECTIONS

1. The PCC have entered into a formal inspection regime with qualified professionals which will enable them to manage any perceived risks.
2. Whilst this is true, the devastation to the local wildlife and habitat will be incalculable; many of the trees will be used by nesting birds and possibly by Bats as a navigational aid.
3. The cost of maintaining the trees would be a factor regardless of a TPO, but this is no justification for removing the trees.
4. Trees will drop branches periodically, but, as mentioned above, the PCC have entered into a formal inspection regime with qualified professionals.
5. No evidence of this has been submitted.
6. Many Chestnuts are showing signs of the leaf miner, not just the ones here, and whilst it looks unsightly, there is little evidence to suggest that it is detrimental to the overall health of the tree. Leaf miner can be greatly reduced by clearing away the leaves at the end of autumn. Bleeding canker is, in my experience, on the decline but, as mentioned above, the PCCs inspection/maintenance regime will monitor this and advise on appropriate action.

CONCLUSIONS

In conclusion, these trees contribute greatly to the character and appearance of the street scene and the wider landscape, both now, and more importantly into the future. It is considered that the reasons put forward by the objectors are of insufficient weight to overcome the harm to the character and appearance of the locale that would occur should these trees be removed. It is therefore recommended that the order is confirmed

RECOMMENDATION: CONFIRM ORDER WITHOUT MODIFICATION

Background Papers

TPO file reference: 2/TPO/00573

Appendix 1: Copy of scoring assessment

Contact Officer: Mr R. Fisher, Arboricultural Officer 01553 616386

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 2/2/18 Surveyor: R. FISHER - ARB OFFICER BCKLWN

Tree details
 TPO Ref (if applicable): Tree/Group No: G1+42 Species: mixed
 Owner (if known): Location: Stanhope Church

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

Score & Notes
3

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

Score & Notes
2

* Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes
5

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- | | |
|--|--------------------|
| 5) Principal components of formal arboricultural features, or veteran trees | Score & Notes 4 |
| 4) Tree groups, or principal members of groups important for their cohesion | |
| 3) Trees with identifiable historic, commemorative or habitat importance | |
| 2) Trees of particularly good form, especially if rare or unusual | |
| 1) Trees with none of the above additional redeeming features (inc. those of indifferent form) | |
| -1) Trees with poor form or which are generally unsuitable for their location | |

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | |
|---|--------------------|
| 5) Immediate threat to tree inc. s.211 Notice | Score & Notes 3 |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:
17

Decision:
Serve TPO.

AGENDA ITEM NO:

PLANNING COMMITTEE – PLANNING ENFORCEMENT REPORT

1.0 PURPOSE OF REPORT

1.1 This report provides Members with an update on service performance for planning enforcement during the first and second quarters of 2018.

2.0 PLANNING ENFORCEMENT SERVICE PERFORMANCE

2.1 Set out below is a breakdown of figures in relation to received, closed and live cases.

| | |
|---|-------------------|
| <u>The total number of live cases is</u> | <u>176</u> |
| <u>Number of cases received inc high hedge</u> | <u>278</u> |
| <u>Total Number of cases closed</u> | <u>254</u> |

2.2 A list of all live cases to **17th July 2018** can be found at Appendix 1.

2.3 Below is a breakdown of all **254** cases closed during the first and second quarters, including the reason for closure.

| <u>Reason</u> | <u>Count</u> |
|---|---------------------|
| Advertisement Consent Granted | 0 |
| Amendment Approved | 0 |
| Case Closed | 8 |
| Conditions Discharged | 4 |
| De minimis | 1 |
| Delegated Authority - no further action | 45 |
| Listed Building Consent granted | 0 |
| No breach established | 71 |
| Notice issued - complied | 13 |
| Permitted development | 23 |
| Planning App Approved | 46 |
| Prosecution | 2 |
| Referred to other service | 9 |

| | |
|------------------------------------|------------|
| Simple Caution | 0 |
| Remedied following informal action | 26 |
| Use/operational development lawful | 6 |
| Default action taken under s219 | 0 |
| Total | 254 |

2.4 During the first and second quarters the following formal notices were served:

| <u>Notice</u> | <u>Count</u> |
|---|---------------------|
| Enforcement Notice | 12 |
| Listed Building Enforcement Notice | 0 |
| Planning Contravention Notice | 3 |
| Requisition for Information | 3 |
| Breach of Condition Notice | 6 |
| Stop Notice (excluding Temporary Stop Notice) | 0 |
| Temporary Stop Notice | 0 |
| Enforcement Injunction granted | 1 |
| Section 215 Notice | 2 |
| Repairs Notice | 0 |
| High Hedge Remedial Notice | 0 |
| Tree Replacement Notice | 0 |
| Total | 27 |

2.5 Aside from the usual range of notices served, in the last two quarters Members may wish to note that a High Court Injunction in relation to unauthorised works to facilitate a residential caravan site on land in Marshland St James was granted. The injunction also prohibits further activity including the installation of residential caravans without the benefit of planning permission.

3.0 RECOMMENDATION

3.1 That this report is noted.

Contact

Mr Clarey, Planning Enforcement Team Leader – 01553 616770

Appendix 1