



EAST  
CAMBRIDGESHIRE  
DISTRICT COUNCIL

Minutes of a meeting of the Planning Committee  
held in the Council Chamber, The Grange, Nutholt Lane  
Ely on Wednesday, 2<sup>nd</sup> September 2015 at 2.01pm

### **P R E S E N T**

Councillor Mike Rouse (Vice Chairman in the Chair)  
Councillor Sue Austen  
Councillor Derrick Beckett  
Councillor David Chaplin  
Councillor Paul Cox  
Councillor Lavinia Edwards  
Councillor Bill Hunt (Substitute for Councillor Tom Hunt)  
Councillor Lisa Stubbs

### **O F F I C E R S**

Maggie Camp - Solicitor  
Janis Murfet – Democratic Services Officer  
Andrew Phillips – Senior Planning Officer  
Rebecca Saunt – Senior Planning Officer  
Sue Wheatley – Planning Manager  
Cathy White – Senior Trees Officer

### **A L S O I N A T T E N D A N C E**

Councillor Vince Campbell  
Councillor Mark Hugo  
3 members of the public attended the meeting.

#### 27. **A P O L O G I E S A N D S U B S T I T U T I O N S**

Apologies for absence were received from Councillors Ian Bovingdon, Neil Hitchin, Tom Hunt and Joshua Schumann (Chairman).

It was noted that Councillor Bill Hunt would substitute for Councillor Tom Hunt for the duration of the meeting.

It was also noted that Jo Brooks, Director of Regulatory Services had offered apologies for absence, as she was away on a training course.

*(Councillors Stubbs and Chaplin entered the Chamber at 2.05pm and 2.07pm respectively)*

28. **DECLARATIONS OF INTEREST**

Councillor Austen said that having taken advice, she wished to declare a personal interest in Agenda Item No.5 (15/00438/FUM, Amberlea Country Kennels and Cattery, Ely Road, Sutton), as she boards her dogs in the Kennels.

29. **MINUTES**

Further to Minute No.23 (15/00427/FUM, Site South West of the Potter Group, Queen Adelaide Way, Ely), page 10, first paragraph, Councillor Stubbs stated that she did not serve on the Heavy Goods Vehicle Joint Committee, but had been present at the meeting when the findings were presented. Whereupon,

It was resolved:

That subject to the above amendment, the minutes of the Planning Committee meeting held on 5<sup>th</sup> August 2015 be confirmed as a correct record and signed by the Chairman.

30. **CHAIRMAN'S ANNOUNCEMENTS**

- The Chairman announced that full planning permission had been issued to the Pellet Production Plant at Queen Adelaide Way, Ely, and he thanked all who had worked on the application.

31. **15/00438/FUM – AMBERLEA COUNTRY KENNELS AND CATTERY, ELY ROAD, SUTTON.**

Rebecca Saunt, Senior Planning Officer, presented a report (Q59, previously circulated) which sought permission for the change of use of a field from agricultural to kennels use for dog exercising and training, the creation of a new access from the existing field access (which would amend the previously approved access point for the new entrance roadway to that of the existing field gateway, application), a solar array comprising 80 No. photovoltaic ground mounted collectors to the North East rear boundary of the property, reed bed soil water filtration system in lieu of the existing finger and land drains and to fence and gate the frontage and provide additional car parking.

Members were reminded that the application was being brought to Committee as the proposal included photovoltaic cells that were not located on a domestic or commercial building. Under the scheme of delegation in ECDC's Constitution this was defined as a large scale renewable energy

development and Officers did not have authority to determine this type of development.

On a point of housekeeping in relation to the application, Ms Saunt drew Members attention to the tabled emails which contained neighbours' comments and the Parish Council comments, which had been received after publication of the agenda. She also informed Members that the plans had been amended to remove the gates.

Illustrations were displayed at the meeting which included a map of the application site, an aerial photograph of the area, site photographs of the location taken from various angles, and a diagrammatic of the reed bed installation.

The Senior Planning Officer reminded Members that the main considerations in the determination of this application were:

- Principle of development;
- Residential amenity;
- Visual amenity;
- Highways;
- Ecology;
- Flood risk and drainage.

Members noted that Amberlea Country Kennels and Cattery was an existing business, located in the countryside. The application site was already laid to grass and enclosed by hedging. The proposal did not include the creation of any additional floor area and with the removal of the gates from the plan, the only structures proposed were the fencing and solar panels. The solar panels measured 40 metres by 3 metres, and would be located to the rear of a field with an existing boundary treatment.

With regard to the principle of development, it was considered that the scheme was in accord with Policies EMP2 and ENV6 of the Local Plan. The proposal was in scale with the location and would not have a significant adverse impact in terms of the amount or nature of traffic generated. Due to the location of the solar panels and the plant/reed bed drain at the rear of the site, they would not be visible from outside the site, and would not have an adverse visual impact. It was considered that the reed bed would encourage biodiversity.

It was noted that the applicant proposed timber post and rail fencing to the front of the site along the existing grass verge. The proposed fencing would have a height of 1.2 metres and while it would be noticeable within the landscape, it was considered that, on balance, it would not create an adverse visual impact.

The Senior Planning Officer stated that on submission of the application the applicant had advised that security at the site had become a considerable issue. The private access road to the front of the property had

become a “rat-run”, and there were problems with joy riders, litter and indiscriminate parking. It was therefore proposed to erect 5 bar 3.6 metres wide gates at two points on the existing private access road.

Concerns were initially raised by Highways regarding the proposed 2 parking bays to the south of the proposed new access. It was considered that vehicles would be unable to turn and manoeuvre safely in the area, and there would be the potential for conflict with other vehicles when egressing the proposed access and public highway at this junction with Ely Road.

Amended plans were submitted by the applicant removing the 2 parking bays and the 5 bar gates, and Highways subsequently confirmed that they no longer objected to the proposal on the grounds of highway safety.

Members noted that the proposal incorporated a reed bed soil water filtration system in lieu of the existing finger and land drains, to improve the drainage of the site. The field was already laid to grass and this would, in the whole, be retained along with the existing boundary hedging. It was considered that the proposal would not have an adverse impact on ecology and would help to encourage further biodiversity, in accordance with Policy ENV7 of the Local Plan.

In response to a query from Councillors Beckett and Hunt, the Senior Planning Officer confirmed that the 5 bar gates had been removed from the application, leaving a gap of 3.2 metres between the fencing and specified the distances between this part of the development and the access from the A142 and the concerns raised by the neighbours in relation to access. In a further question, regarding the post and rail fencing, Councillor Hunt asked if the grass verge was owned by the County Council. The Senior Planning Officer replied that there would be two lots of fencing and the land was privately owned. Councillor Hunt then enquired whether the applicant would have to apply for a separate planning permission if he wished to erect gates at a later stage. The Senior Planning Officer responded, saying that consent would be required due to their height but that private rights of way were a civil matter. She had spoken to the neighbours and Cambridgeshire County Council highways about this, and as it was a legal issue rather than a planning matter, they would have to consult a solicitor.

It was proposed by Councillor Hunt and seconded by Councillor Chaplin that the Officer’s recommendation for approval be accepted.

In proposing the motion, Councillor Hunt said that while the scheme was an excellent proposal, he had concerns about the comments made in the letters from the neighbours and Witcham Parish Council. The road was listed as an access road and a Public Right of Way, and he asked that Officers take a robust attitude to this.

Councillor Beckett asked if it could be conditioned that there should be no gates or restrictions; the Senior Planning Officer replied that it could and suggested the following wording;

*“That there should be no additional gates, except for those shown on the plans.”*

When put to the vote, the motion was declared carried and,

It was resolved unanimously:

That planning application reference 15/00438/FUM be APPROVED, subject to the conditions, as detailed in the Officer’s report (with the amendment to one of the drawing numbers, following the receipt of amended plans) and with the addition of the further following condition:

- That there should be no additional gates, except for those shown on the plans.

32. **15/00478/FUM – DAVID S SMITH CORRUGATED LIMITED, FORDHAM ROAD, FORDHAM.**

Andrew Phillips, Senior Planning Officer, presented a report (Q60, previously circulated) which sought consent for a new purpose built marketing and training centre with associated car parking and landscaping.

Members were reminded that this application had been brought to Committee as the proposal involved two lines of solar panels measuring 23 metres by 6 metres. Under the scheme of delegation this was counted as a large scale renewable energy scheme and Officers did not have the authority to determine this kind of development.

The proposal was for a single storey building with a roof that would mix mono-pitched and bow roof styles. The proposed building would provide training facilities tailored to the D S Smith workforce, and additional office space. An access road would be constructed to link onto D S Smith’s current car parking area and the addition of 45 spaces and 6 covered cycle spaces.

It was noted that the developer had provided additional documentation that included an updated Transport Addendum Report, revised application form (foul water would now be taken away by a main sewer), BREEAM report and clarifications to cover comments raised during the consultation period.

Illustrations were displayed at the meeting which included a map of the application site, an aerial photograph, an illustrative of the layout of the site, and another showing the proposed solar panels in relation to the east and south elevations.

Members were reminded that the main considerations in determining the application were:

- Principle of the development;
- Impact on the highway network;
- Parking provision;
- Surface water drainage;
- Protection of the water environment;
- Sustainability;
- Design/layout; and
- Residential amenity.

The Senior Planning Officer stated that the proposed development was supported by Policy FRD 8 of the Local Plan that sought employment related development on this site. While approximately half the space of the proposal was for training, it was being designed specifically for the employees of D S Smith PLC, to provide specific support to the existing business on site. It was therefore considered reasonable to add a condition tying this unit to the existing D S Smith building so they could not be sold separately.

Turning next to the issue of Community Infrastructure Levy (CIL) contributions, the Senior Planning Officer explained that CIL legislation only allowed for 5 S106 contributions to any individual infrastructure improvement.

The D S Smith whole developable site was just under a fifth of the allocated employment sites, and the proposed development site was approximately a ninth of the D S Smith site. The cost of the infrastructure (bus lay-bys, bus stops and a pedestrian crossing on Newmarket Road) was estimated at between £5,000 and £200,000. Working on the basis of £200,000, it was considered that a fair contribution would be in the region of £4,444.44 (rounded up to £5,000), which could pay for the bus stop flags and associated hard standing.

Referring next to the list of proposed planning conditions, the Senior Planning Officer asked Members to note that the details of condition No.4 were now considered acceptable and it had been discharged; work was being undertaken on the exact wording of condition No.5, and a pre-occupation condition was wanted for condition 11.

Councillor Hunt, having noted the cost of the bus stops, asked how much the lay-bys would cost. The Senior Planning Officer stated it would be £20,000 altogether, including the bus shelters and this was taken from written quotes from the County Council. Councillor Hunt then asked if there had been discussions with other companies regarding contributions and was advised, no, the policy would only kick in when a company proposed to develop on the site.

Councillor Hunt continued, saying he was concerned that the funding might not be there and he asked the Senior Planning Officer if he was confident that he had taken adequate precautions. The Senior Planning Officer replied that he was as confident as he could be.

Councillor Beckett wondered why Turners was not included in the hatched areas, and he also expressed concern that the Council was asking for a single contribution for a bus stop on a stretch of road between two roundabouts. People would have to cross the road and there would be no means for them to do so safely. The Senior Planning Officer replied that the Authority could wait until the rest of the site came forward for development to seek a bigger contribution, but each planning application would have to be judged on its own merits. Depending on the circumstances, this might result in a bigger contribution, or conversely finding that there was insufficient money. The lesser sum of £5,000 would cover the cost of the bus stops.

Councillor Beckett said he understood, but his point was that if there were youngsters coming to the training centre, they were likely to have to rely on public transport, which would mean them having to walk across the road. The Senior Planning Officer agreed that this was a dilemma but a higher contribution would be unacceptable on a smaller proposal; it had to be proportionate.

Councillor Beckett, having noted that the site was low lying, asked how flood or rain water would be dealt with. The Senior Planning Officer stated that Aquacells would be used with a "green field run off".

Referring next to the list of planning conditions, Councillor Beckett enquired about condition No.7 (*Prior to occupation a scheme of bird boxes shall be submitted and agreed in writing ...*) saying that he had not seen this before and he wondered if it was realistic. The Senior Planning Officer replied that this could be achieved; the blank elevations could be used and this would mitigate there being less of a feeding area.

There followed some discussion regarding the level of contribution to be sought from the developer. Councillor Beckett did not feel that £5,000 was sufficient and the Chairman commented that while he understood the rationale, the whole area might not come forward and he was concerned about timescales. The Senior Planning Officer reiterated that Officers would seek a reasonable contribution; he would ask for £5,000 as a starting point, but if another scheme came forward, any additional monies could be put towards footpaths.

Councillor Chaplin remarked that if there was no intention to develop the whole site, the developer should contribute a larger sum. The Senior Planning Officer reminded the Committee that there was still space to build on or around this scheme and there was a good chance that other applications would come forward. He reiterated that whatever contribution he sought, it had to be proportionate to the development.

Councillor Hunt declared himself to be very uncomfortable because there would be bus flags, but no paths to get to them. This, he felt, was unsatisfactory. He was also very concerned that the contribution could end up not being used; he appreciated that estimates could be up or down, but there was a wide difference between £5,000 and £200,000. The Senior Planning Officer agreed, adding that £5,000 would provide the bus flags, £20,000 the covered bus stops, and the remainder of the £200,000 the footpaths and crossings. He had started his calculations at the highest figure, and from there worked his way down to £5,000. He again stressed the point that the contributions had to be proportionate. If other developers came forward, the Authority could lose out and this was why he was trying to get the best for the site without using up the contributions.

Councillor Beckett said that under a S106 Agreement, contributions had to be relevant to the development and he enquired whether this also applied to CIL. He was advised that any conditions applied to a scheme had to be relevant and reasonable, and payment would be sought for listed infrastructure.

In response to a question from Councillor Cox, the Senior Planning Officer stated that while it was the role of the District Council to secure the right contribution for the development, the County Council would be the final arbiter of the scheme.

There being no further comments or questions, it was proposed by Councillor Beckett and seconded by Councillor Cox that the Officer's recommendation for approval be accepted.

When put to the vote, the motion was declared carried, there being 7 votes for, and 1 abstention. Whereupon.

It was resolved:

That the Planning Manager be given delegated authority to approve planning application reference 15/00478/FUM, subject to the following:

- 1) The conditions, as tabled at the meeting;
- 2) A S106 Agreement, should this be judged to be reasonable and that it would not prejudice the entering into S106 Agreements for other developments in the locality.

33. **CONFIRMATION OF TREE PRESERVATION ORDER E/01/15 – LAND AT BERRY FEN, DAM BANK DROVE, HADDENHAM.**

At the invitation of the Chairman and for the benefit of the newer Members of the Committee, Cathy White, Senior Trees Officer, gave a brief introduction to Tree Preservation Orders (TPO's).



A copy of her notes was tabled at the meeting and they are appended to these minutes as Appendix 1.

The Committee received a report (Q61, previously circulated) from which Members were asked to confirm, without modifications, a Tree Preservation Order (TPO) for 7 Oak trees on land at Berry Fen, Dam Bank Drove, Haddenham.

Illustrations were displayed at the meeting which included maps of the site indicating the location of the trees and photographs of the trees taken from various viewpoints.

Members were reminded that confirmation of this TPO, without modifications, was recommended for the following reasons:

- The 7 Oak Trees contribute to the visual amenity of the local landscape of this open countryside south of Haddenham village, in Berry Fen;
- The loss of the Oak trees would have a detrimental impact on the local landscape and biodiversity of this area, already recognised for its valuable habitats supporting a wide range of plants and important wildlife;
- The TPO will ensure the trees are protected and considered in any future planning applications for development on the adjacent land, requiring access off Dam Bank Drove.

It was noted that the Order was made because the Council had received a planning application (ref no. 14/00728/ESF) to develop an area of land at Berry Fen, including the proposal to remove 3 Oak trees on the southern boundary to create a new access to permit the development of the wind farm. At this time, the trees were not protected and they could have been removed before the planning application was determined.

A request was received from a member of the public asking the Council's Senior Trees Officer to consider placing a TPO on the Oak trees because of their significance from a landscape, rarity and ecological point of view.

In order to support the recognition of the amenity value of the 7 Oak trees in the local landscape and to give an opportunity for discussion on the feasibility of creating a new access in the existing gap between the trees on the southern boundary, the TPO was made on 28<sup>th</sup> April 2015. The planning application was subsequently withdrawn by the applicants on 26<sup>th</sup> June 2015, but the TPO was still in place and would need to be confirmed within the statutory 6 months period to remain valid.

The Committee noted that all three Haddenham Ward Members (Councillors Cheetham, Hugo and Smith) supported confirmation of the TPO.

The Senior Trees Officer stated that the trees were relatively young, in reasonable health and visible to the public from Dam Bank Drove and the surrounding open countryside. They contributed to the rich diversity of flora and fauna in the vegetation belts along the network of public paths and droves in the local landscape, and Oak was relatively uncommon within the usual types of tree species found in this part of the District.

The Committee's attention was drawn to paragraph 4.10 of the report, which set out a summary of the objections received to the TPO. The Council's responses to the objections were set out in Appendix 2 of the report.

The Senior Trees Officer said that whilst determining if trees were of sufficient amenity value or not was to some extent subjective, she remained of the opinion that these Oak trees were visually important. Although the planning application had been withdrawn and there was no longer the threat of removal of some of these trees on the southern boundary of the Berry Fen field, they did make a positive contribution to the character of the area.

Members were reminded that a TPO would be an appropriate measure to safeguard the trees; it would not prevent consideration of the site for development in any future planning applications or management of the Oak trees should there be a need for tree work in the future.

At the invitation of the Chairman, Councillor Mark Hugo, a Ward Member for Haddenham, spoke in support of the TPO and made the following points:

- He wished to reinforce some of the points put forward by the Senior Trees Officer;
- There were very few major trees in the Fen, and these Oak trees were uncommon;
- They would add to the amenity of the area;
- The trees were about 50 years old and in reasonable health. They were home to much wildlife, including the Purple Hairstreak butterfly;
- Although some of the agricultural machinery was large, there were other points of entry onto the field;
- The landowner was prepared to sacrifice the Oak trees, even though there were other options;
- A TPO would not prevent the owner carrying out work on the trees and this was a sensible way forward;
- The other Ward Members (Councillors Steve Cheetham and Stuart Smith) also supported confirmation of the Order.

Councillor Hunt enquired about the views of the other Ward Members for Haddenham, and Councillor Hugo informed him that the points he had put forward were a joint effort and reflected the views of all three of them.

Councillor Hunt next asked the Senior Trees Officer how long the Oak trees might be expected to live, given that they were already about 50 years

old. She replied that this was young for an Oak tree as they could potentially live for several hundred years. The Oak trees had been planted by local landowners; they were something of a rarity in this part of our District and this was possibly down to the soil. Oak trees were more common near Cheveley.

Councillor Beckett commented that mature Oak trees would not normally grow particularly high, but they could grow to a significant width. The Senior Trees Officer responded, saying that this could not be said for all Oak trees, as they were potentially big trees. They could have a high, wide spreading canopy and be a different shape to one situated in an open field.

Councillor Hunt said it was clear to him that these 7 trees had stirred up a great deal of emotion, and as such, credence should be given to localism. It was significant that all three local Members supported the TPO, and the Senior Trees Officer's points about longevity were very important.

It was duly proposed by Councillor Hunt and seconded by Councillor Stubbs that the Officer's recommendation to confirm the TPO, without modifications, be accepted.

Councillor Beckett asked the Senior Trees Officer to clarify whether REG Windpower had objected to the TPO before the withdrawal of their planning application; she confirmed that the objection was made while the application was still current.

Councillor Beckett continued, saying that after much thought, he believed two or three of the Oak trees to be very fine specimens, and had they been 10 metres away from the road, he would have been content to second Councillor Hunt's motion. However, the road served the farms and there would be heavy (bulky) traffic, and the trees could do significant damage to both the road and the farm vehicles. As the canopy of the trees spread they would have to be lopped to avoid the power lines, and this would end up with some strange shapes. He did not believe this was the right place for the Oak trees, and that confirming the TPO would just be adding another layer of bureaucracy; for these reasons he could not support the Officer's recommendation.

The Committee returned to Councillor Hunt's motion to confirm the TPO. When put to the vote, the motion was declared carried, there being 5 votes for, 1 vote against, and 1 abstention.

It was resolved:

That Tree Preservation Order TPO E/01/15 be confirmed, with no modifications.

34. **CONFIRMATION OF TREE PRESERVATION ORDER E/02/15 – BOUNDARY BETWEEN 4 HOLLAND PARK AND 57 HIGH STREET, CHEVELEY.**

The Committee received a report (Q62, previously circulated) from which Members were asked to confirm a Tree Preservation Order for an Ash tree on the rear garden boundary of 4 Holland Park and 57 High Street Cheveley.

Illustrations were displayed at the meeting which included a map indicating the location of the tree and photographs of the tree taken from various viewpoints.

Members were reminded that the key points for consideration were as follows:

- The Ash tree was not protected at the time of the initial enquiry and notice of the planned removal of the tree;
- The Council served the TPO to allow an opportunity to consult and find out public views;
- The TPO needs to be confirmed for the protection of the Ash tree to remain in place;
- As objections to the TPO were received, a democratic decision would be made on the future of the TPO;
- If Members decide not to confirm the TPO, the Order will lapse and the tree can be felled without the need of the Council's permission.

It was noted that the residents of 4 Holland Park had contacted the Council to check if the Ash tree was protected, as they were considering having it felled. It overshadowed their back garden and also that of their neighbours at 57 High Street, Cheveley, it had previously shed branches, and it was extensively covered in ivy. It was visible to the public from the Holland Park estate and the High Street junction area.

The Trees Officer, having inspected the Ash tree, considered it was visually important in the local landscape and worthy of further professional assessment, given the main stem and lower canopy was densely covered by the ivy. He considered the tree could be managed by crown reduction and pruning if it was found that there were no significant defects. Judging from the visible canopy, the tree was in reasonable health; it was of merit, contributing to the tree cover in this location, providing habitats for wildlife and offering ecological benefits.

The Senior Trees Officer stated that to ensure consultation on the proposed removal of the tree could be conducted to establish the views of neighbours, a TPO was made on 15<sup>th</sup> May 2015. A number of objections were received during the statutory consultation period.

The Committee's attention was drawn to paragraph 4.5 of the report, which set out a summary of the objections received to the TPO. Members were asked to note that Councillor Mathew Shuter, a Ward Member for Cheveley, did not support the confirmation of the TPO. The Council's responses to the objections were set out in Appendix 2 of the report.

The Senior Trees Officer said that whilst determining if a tree was of sufficient amenity value or not was to some extent subjective, the Trees Officers remained of the opinion that the Ash tree was visually important within the street scene and it made a positive contribution to the character of the area.

It was considered that a TPO would be an appropriate measure to safeguard the tree until it could be inspected and the condition of the main stem and lower canopy assessed. If it was found that the tree could be safely retained, an appropriate tree works specification would allow it to be pruned to reduce the nuisance factors indicated in the objections raised.

If the TPO was not confirmed, the Council could not refuse the proposed felling of the Ash tree and it could not condition replacement tree planting. The Council would not be able to prevent the loss of the tree's visual amenity value in this part of the village.

At the invitation of the Chairman, Councillor Sheila Marvin spoke on behalf of Cheveley Parish Council and made the following comments:

- The Parish Council had discussed the matter and objected to the TPO;
- She was familiar with the area, and a couple of the photographs showed the Ash tree early on in the year;
- The tree behind the lamp post was obscured by the Ash;
- The Ash tree was awash with ivy and there was a particular concern about Ash Die-Back, as the Woodland Trust surveys indicated that the disease was getting worse;
- What was the point of putting a TPO on a tree that would not live out its natural lifespan ?
- There were many trees in Cheveley and one tree would not be a huge loss;
- The recreation ground was only some 30 seconds away and it had many trees, some mature and others new;
- This Ash tree was not the most beautiful and it was the only thing left in the garden of No.4. If it was infected, there would be a dying tree, with bits dropping off it;
- If the tree was infected or dangerous, it would have to be removed for safety reasons;
- The tree was very close to the two bungalows and it had shed small branches in the past;
- The residents of No.57 were planning an extension to their bungalow as they were expecting a child.

In response to a question from Councillor Beckett regarding the extension to the bungalow, the Planning Manager stated that an application had not been received. This was not permitted development and it would require planning permission. However, this was a matter separate from the TPO and Members should therefore set it from their minds.

Councillor Stubbs asked what would be the implications of any damage caused. The Senior Trees Officer said Members should be aware that there was an element of risk. With any preserved tree, subsequent applications made for tree works would carry with them an opportunity to claim compensation if, as a result of the Council's decision, the applicant suffered any loss or damage within 12 months of the decision being made. If the Order was not confirmed, the responsibility would lie with the owner of the tree.

Councillor Hunt enquired about the regulations regarding the root protection area. The Senior Trees Officer replied that the calculation was the diameter of the tree 1.2 metres from the ground x 12 metres from where one would anticipate the roots to be. She confirmed that the existing house fell within that area.

Councillor Hunt then asked if the TPO could be removed at a later date and was informed that the Order could be revoked, but the Council would have no further control over the tree.

The Chairman commented that there seemed to be very little local love for the tree and he duly asked Members to indicate their support for confirmation of the TPO. When put to the vote, the Officer's recommendation was declared rejected, there being 1 vote for confirmation, 4 against and 3 abstentions. Whereupon,

It was resolved:

That Tree Preservation Order TPO E/02/15 should NOT be confirmed.

The meeting closed at 3.37pm