

TPCOMRPT 04/00035/TPORDR

Agenda Item No:8

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<b>REPORT TO:</b>	<b>Area No 2 Development Control Committee</b>
<b>DATE:</b>	<b>26 October 2004</b>
<b>REPORTING OFFICER:</b>	<b>Director of Technical Services (Mrs L Drake – Principal Planner)</b>
<b>SUBJECT:</b>	<b>Tree Preservation Order 35/2004</b>
<b>WARDS AFFECTED:</b>	<b>Knaresborough King James</b>
<b>FORWARD PLAN REF:</b>	

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## **1.0 PURPOSE OF REPORT**

- 1.1 To request the confirmation of a provisional Tree Preservation Order.

## **2.0 RECOMMENDATIONS**

- 2.1 That (1) the Committee find it expedient in the interests of amenity to confirm the Tree Preservation Order at 22 Belmont Avenue, Calcutt, Knaresborough.
- 2.2 (2) The Director of Administration be authorised to take appropriate action to secure confirmation.
- 2.3 (3) The order be confirmed as The Council of the Borough of Harrogate Tree Preservation Order No. 35 / 2004.

## **3.0 THE REPORT**

- 3.1 A full planning application was submitted on 9<sup>th</sup> July 2004 for residential development at 22 Belmont Avenue, Calcutt. The application was refused by Area 2 Development Control Committee 31<sup>st</sup> August 2004. The proposed development directly threatened a willow tree adjoining the site access and the Council's Arboricultural Officer was consulted. His comments are as follows:

Healthy, well-balanced tree, medium structure, good vigour. Potential amenity lasting a further 50 years. Good vigour, medium structure (does have structural faults but nothing which gives rise for concern at this time). Well-

balanced tree which contributes highly to the street scene. Significant tree due to the lack of others trees in the immediate vicinity.

3.2 No letters have been received. The consultation period runs out on 16<sup>th</sup> October 2004.

3.3 It is considered that this tree has a high amenity value and makes a positive contribution to the character and appearance of Belmont Avenue

#### 4.0 CONCLUSION

4.1 The tree, which is the subject of this order, is felt to be of considerable amenity value and an Order is considered appropriate to ensure its retention.

#### Background Papers

None

**OFFICER CONTACT:** Please contact Mrs L Drake, Planning Officer, if you require any further information on the contents of this report. The officer can be contacted at Department of Technical Services by telephone on 01423 556561 or by e-mail [l.drake@bournemouth.gov.uk](mailto:l.drake@bournemouth.gov.uk)

#### SUSTAINABILITY ASSESSMENT/POLICY CONSIDERATIONS

		Implications are		
		Positive	Neutral	Negative
A	Economy			
B	Environment			
C	Social Equity			
i)	General			
ii)	Customer Care/People with Disabilities			
iii)	Health Implications			
D	Crime and Disorder Implications			

If all comments lie within the shaded areas, the proposal is sustainable.

TPSCHEDL 04/00035/TPORDR

8 September 2004

**TREE PRESERVATION ORDER**

**TPO NO 35 / 2004**

**22 Belmont Avenue, Calcutt, Knaresborough Harrogate District North Yorkshire**

**FIRST SCHEDULE**

**TREES SPECIFIED INDIVIDUALLY**

(encircled in black on the map)

Ref on Map	Description	Situation
T1	Willow	434835 456045

**GROUPS OF TREES**

(within a broken black line on the map)

Ref on Map	Description (including number of trees)	Situation
None		

**WOODLANDS**

(within a continuous black line on the map)

Ref on Map	Description	Situation
None		

**TREES SPECIFIED BY REFERENCE TO AN AREA**

(within a dotted black line on the map)

Ref on Map	Description	Situation
None		



TPO No 35, 2004. 22, BELMONT AVENUE, CALCUTT, KNARESBOROUGH.



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SCALE: 1:1000  
 DATE: 14 September 2004



PCP ARCHITECTS LIMITED  
1, HORNBEAM SQUARE SOUTH, HARROGATE, HG2 8NB

Our Ref: 0418/C/1410

14 October 2004

Dawn Allan  
Harrogate Borough Council  
Council Offices  
Crescent Gardens  
Harrogate  
HG1 2SG



Dear Ms Allan

**Re: Your reference DA / DA / 025728. Proposed TPO No 35, 2004, 22 Belmont Avenue, Calcutt, Knaresborough.**

We are in receipt of your letter dated 10th September 2004 in respect of the simple willow tree to which your proposed TPO relates. We wish to object to the proposal on the following:-

1. The retention of the tree may impede the planning approval of redevelopment of the site.
2. The quality and health of the tree does not warrant protection of this type.
3. The legal owner of the site has not been notified by yourselves of your intention.

Yours faithfully

**Nigel Powell RIBA**  
Managing Director

cc S.Maclean



**22, BELMONT AVENUE**  
**CALCUTT**  
**KNARESBOROUGH HG5 8JH**  
**YORKSHIRE**

Your Ref. DA/DA/025728

18th October, 2004

Dept. of Administration  
Harrogate Borough Council,  
Council Offices,  
Crescent Gardens,  
HARROGATE, HG1 2SG



Dear Dawn Allan,

**TREE PRESERVATION ORDER NO 35, 2004**

I am in receipt of your letter of 15th October, regarding the above. I would have thought it common practice to send a copy of such an order, to the address in question as well as to any Agent. It may be helpful to consider doing so in future, thus avoiding the embarrassment caused to the owner, by being informed of the TPO by a neighbour.

I am advised that I have the right to be told who requested the TPO to be imposed, and I should like to know this.

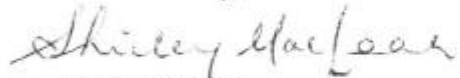
I am pleased that the person who decided to impose the TPO felt the willow tree to be "well-balanced", especially as over the time I have been at this address, I have spent a considerable amount having it professionally preserved. The tree is over 25 years old, and at some 40 feet high is large for its position.

I object to the TPO on the following grounds:-

1. The plans submitted for my land would have no detrimental effect on the tree. At no time has the tree been in any danger, and I do object to this attempt by a presently unknown person, to affect any planning decision. In fact it is specifically excluded in the leaflet, Protected Trees, number 23, which you enclosed
2. It is a fact that you have only become interested in my tree, following a Planning Application for my land.
3. It was never going to be harmed, as indicated on the plan.

In view of the foregoing, I hope you will see no need to confirm the provisional Order;  
should this happen, it will be my intention to Appeal

Yours faithfully,



Shirley MacLean