

PLANNING DEVELOPMENT CONTROL COMMITTEE

1 April 2010

APPLICATION TO FELL 09/02688/TPO MATURE LIME AT No1 WENTWORTH GRANGE, WINCHESTER.

REPORT OF THE HEAD OF ENVIRONMENT

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RECENT REFERENCES

None

EXECUTIVE SUMMARY:

To consider application 09/02688/TPO for the felling of 1 x mature lime tree which is subject to a Tree Preservation Order. It is proposed to plant a birch as a replacement tree.

RECOMMENDATION:

That the application to fell the mature lime tree be refused

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DETAIL:

1. The Council has received an application to fell a mature Lime tree in the garden to the side of No 1 Wentworth Grange. The tree is subject to a Tree Preservation Order. The application is before the Committee as there are more than six letters of support for the proposed application.
 - 1.1. The lime tree is located to the southern side of the property. To the northern side of the tree, the end flank wall of the property is located. At six metres away and to the east side of the tree, the side flank of the garage is also located at six metres away.
2. Representations received
 - 2.1 The Council has received seventeen letters of support for the application and two letters of objection.
3. Summary of support for the application
 - 3.1 The majority of the letters of support refer to the size of the tree and the proximity of the tree to the adjacent buildings, and express the view that the tree should be felled because of its size.
 - 3.2 Shading issues, twigs and leaves dropping are mentioned.
 - 3.3 The applicant says that he is suffering from a considerable loss of enjoyment to his garden because of the tree, that the tree is the cause of moss growing on the roof of the property and the roots are lifting the garden paving slabs.
 - 3.4 He also says that there are 30 other limes on both sides of Airlie Road and therefore causing the garden to be in perpetual shade when they are in full foliage, that the tree does not provide amenity value in Airlie Road and that the tree is not an essential part of the landscape.
 - 3.5 Finally one of the supporters states that the houses were built too close to the trees, in order to maximize the development and that failure to manage the risk posed by the tree will lead to horrendous consequences, for which the Council will be responsible if this application is not allowed.

4 Summary of the Objectors' comments to Application 09/02688/ TPO.

- 4.1 The objectors state that removal of the tree will impact on the amenity and setting of properties on Airlie Road that the tree is not diseased and has not been damaged, and is not causing damage to the property. TPOs are not applied without good cause and if the tree is neither damaged nor diseased there should be no reason to fell it.
- 4.2 Lime trees can live for 500 years or more (much longer than a Swedish Birch). They produce nectar which attracts moths and bees. The average tree absorbs one tonne of CO2 in 100 years.
- 4.3 The lime trees in Airlie Road form part of the character of the area, and conserve its natural environment.

5 Matters irrelevant to Application 09/02688/TPO

- 5.1 The Council has planted six new trees on the green on Airlie Corner.

6 Officer Comments

- 6.1 The Tree is of reasonable health, with shoot extension and vigour normal for this species. Due to its size, location and dominance in the landscape it has high amenity value.
- 6.2 Airlie Road is a main arterial road to Sleepers Hill, St James Lane, and Winchester University. The tree can be seen from the main highway and in full view of users of Airlie Road.
- 6.3 The tree forms part of a group of mature trees that were retained as part of the development for Wentworth Grange. The property would have been built to accommodate the future root growth of the tree. The tree has adapted to its new environment following the construction of the house. The tree is estimated to be 60 to 80 years of age and has a further useful life expectancy of 200 +. years
- 6.4 Due to the health and location of the tree, the tree has sufficient amenity value to be retained and protected by a Tree Preservation Order 1156.
- 6.5 At the time of inspection, no obvious defects to the lime tree, were noted by the Council's Arboricultural officer.
- 6.6 The Applicant's arboricultural consultant has stated that he is unable to produce a report to justify removal of the tree as he considers it to be healthy, and cannot be felled on the grounds that it is diseased or dangerous.
- 6.7 As the tree is south of the property, and to the north of the trees either side of Airlie Road, its removal will not increase light levels in the garden.

- 6.8 If Committee is minded to give consent for this application, it must be noted that the proposed replacement birch tree is considerably smaller than the lime and it will be at least 40 years before the birch tree contributes towards the amenity of the area as the lime tree does at the present time. Birch has a much shorter life span than lime.
- 6.9 As the sub soil is chalk, the soil is not susceptible to heave or shrinkage like clay, and therefore the risks of structural damage from root activity is low. The lime tree is located far enough away from both buildings in order not to cause structural damage.
- 7 Removal of the lime tree will set a precedent for the removal of other mature trees within the Winchester District. Lime trees are the dominant species throughout Winchester. Mature limes are seen in many parts of the city and contribute to the landscape of the built up environment.
- 7.1 Mature trees are a source of natural habitat for bats, birds and insects. The number of mature trees in the Winchester district is in decline due to old age, global warming and development. It is important that mature trees are not removed without justification as removal will have a negative impact on the wildlife population of the district.

8 RECOMMENDATION:

- 8.1 That the application to fell the mature lime tree be refused for the following reasons:
- (i) The tree is healthy and not causing structural damage to the adjacent buildings. No evidence has been produced by the applicant to justify felling the tree.
 - (ii) The tree is part of the landscape scheme for the properties when they were built 15 years ago. The tree is in full public view and has high amenity value along with huge wildlife benefits.
 - (iii) The removal of this tree will not increase light levels in the garden.
 - (v) DP 4 para 3.35 states the management and protection of trees and hedgerows in the district will be given high priority. The Council will continue to serve Tree Preservation Orders where appropriate.

OTHER CONSIDERATIONS:

9 SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):

- 9.1 The removal of this tree will be detrimental to the High Quality Environment outcome of the Sustainable Community Strategy.

10 RESOURCE IMPLICATIONS:

10.1 There are no resource implications for the City Council.

11 RISK MANAGEMENT ISSUES

11.1 There are no risk management issues for the City Council.

BACKGROUND DOCUMENTS:

Tree Preservation Order 1156.

Winchester City Council Tree Strategy consultation draft 2007. Policy TPO 1

Tree Evaluation Method for Preservation Orders (TEMPO)

Tree Preservation Orders: a guide to the law and good practice

Winchester District Local Plan Review (July 2006)

APPENDICES:

Location Map

