

PLANNING DEVELOPMENT CONTROL COMMITTEE

24 August 2006

CONFIRMATION OF TREE PRESERVATION ORDER - 1888

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

Contact Officer : Kevin Cloud (Tel 01962 848317) kcloud@winchester.gov.uk

RECENT REFERENCES

None

EXECUTIVE SUMMARY:

To consider confirmation of Tree Preservation Order 1888 to which objections have been made.

RECOMMENDATIONS:

That having taken into consideration the representations received, that Tree Preservation Order 1888 be confirmed.

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Report of Director of Development Services

DETAIL:

1. TPO 1888 Land At 3 – 5 Court Road, Kings Worthy.
 - 1.1 An emergency TPO was made and served on 10th March 2006, to protect four birch trees from development proposals.
 - 1.2 There have been objections on the grounds that:
 - 1.3 The TPO is made in respect of trees which have already been affected by planning permission and that this overrides protection as noted by the good practice guide.
 - 1.4 The trees will not be adequately protected once plot 5 of the consented development commences construction.
 - 1.5 Trees are causing subsidence
 - 1.6 Possible damage to property due to failure in high winds.
 - 1.7 The trees have no amenity value and are hazardous because of pollen, dust and seeds which may cause respiratory problems.
2. Officer Comments
 - 2.1 Planning permission was granted for 1 -2 Court Road in January 2005 reference 04/02637/FUL. The Birch trees at 3 - 5 Court Road are not on the application site. In addition paragraph 5.17 of *Tree Preservation Orders: a guide to the law and good practice* states that "The LPA should decide in each case whether trees should be safeguarded using a planning condition or TPO or both. In the Secretary of State's view, however, it is not reasonable to use conditions as a means of securing the long term protection of trees when TPOs are available for this purpose". The trees do overhang the development but this is not sufficient to warrant non confirmation of the TPO.
 - 2.2 A method statement for protection of trees was placed as condition 4 of planning consent reference 04/02637/FUL. The three birch trees (T1, T2 and T3) outside number 3 Court Road are not detailed for protection within the method statement because they are off site. It is the opinion of the arboricultural officer who reviewed the tree protection plans that there is more than adequate root protection area remaining for these trees.
 - 2.3 No evidence of subsidence has been supplied with the objection. A precondition of vegetation related subsidence is the presence of a shrinkable clay soil. Kings Worthy is located on chalk and therefore the likelihood of vegetation related subsidence is minimal. Should the TPO be confirmed, the resident would be able to apply for tree removal, provided that evidence to support the claim of subsidence damage is included. Subsidence risk is not a sufficient reason to stop confirmation of the TPO.

- 2.4 An assessment of the trees was made at the time of making the tree preservation order. The trees were assessed to be in generally good condition. There did not appear to be any defects that could be considered to be a significant hazard. TPO legislation and good practice guidelines allow for suitable management of trees to maintain safety should the future of these trees require it.
- 2.5 The trees have been assessed using the Tree Evaluation Method for Tree Preservation Orders (TEMPO) and the visual observations of the arboricultural officer. TEMPO is a nationally recognised tool for assessing trees for suitability for TPO. The first part of the assessment process scores the trees for amenity value and all trees scored highly because of their proximity to public viewpoints on the roadside within Court Road. Pollen, dust, seeds, fruits and leaves are considered an everyday part of the growth and development of trees and should not hinder the process of making and confirming TPOs.

OTHER CONSIDERATIONS:

3. CORPORATE STRATEGY (RELEVANCE TO):

- 3.1 Looking after the built and natural environment is a key objective.

4. RESOURCE IMPLICATIONS:

None

BACKGROUND DOCUMENTS:

Relevant Tree Preservation Order files

APPENDICES:

None