

PLANNING DEVELOPMENT CONTROL COMMITTEE

23 October 2008

CONFIRMATION OF TREE PRESERVATION ORDER 1916

REPORT OF DIRECTOR OF DEVELOPMENT SERVICES

Contact Officer : Ivan Gurdler Tel 01962 848403

RECENT REFERENCES

None

EXECUTIVE SUMMARY:

To consider confirmation of Tree Preservation Order 1916 to which objections have been made.

RECOMMENDATION:

That, having taken into consideration the representations received, Tree Preservation Order 1916 be confirmed, subject to modifications.

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DETAIL:

- 1.1 TPO 1916 Land At Tudor Way, Springvale Road, Kings Worthy
- 1.2 Planning application (07/01776/OUT) was submitted to the local planning authority on the 9 January 2008. This proposal comprised of the demolition of the existing dwellings at Tudor Way, and 130/132 Springvale Road to be replaced by a new residential redevelopment providing 74 dwellings. This application was refused on 1 October 2008.
- 1.3 Prior to this, a request was made by Mr J Hearn, Planning Team Leader, Development Control East Team for an arboricultural officer to assess the potential for tree protection at the site.
- 1.4 An emergency Tree Preservation Order (TPO) was made and served on 18 April 2008, to protect all the trees on the site. If not confirmed, the TPO will expire on the 14 October 2008.
- 1.5 Formal Objections
- 1.6 Correspondence has been received from Alderwood Consulting Ltd on behalf of Gleeson Developments, and Mr and Mrs B J Prosser of Hillwood, Tudor Way, Kings Worthy.
- 1.7 There have been objections on the grounds that:
 - *T14 Spruce only has sentimental value and is not a specimen tree worthy of protection.*
 - *Some of the trees are not worthy of inclusion in the TPO, as their amenity value does not warrant such inclusion.*
- 1.8 Officer Comments
- 1.9 An arboricultural officer attended the site in April 2008 to assess the impact that any tree removal would have on the visual amenity of the area. Observations were made from all the points the trees were visible to the public.
- 1.10 Tree Preservation Orders: A Guide to the Law and Good Practice (3.2) states:

"The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. In the Secretary of State's view, TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified. The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or

future development; the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only”.

- 1.11 All the tree's included in this Order were 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 and is recommended for use by the Winchester City Council Tree Strategy – consultation draft. In addition, the good practice guide states (paragraph 3.3) that LPAs “*are advised to develop ways of assessing the 'amenity value' of trees in a structured and consistent way*”. The use of TEMPO has been adopted in line with this guidance.
- 1.12 It was decided that if a provisional Tree Preservation Order (TPO) was not served significant trees may be lost denuding the area of tree cover.
- 1.13 In light of the objections received, a meeting was held to discuss the merits of all the trees included on the schedule. Subsequent to this meeting, and the provisional Order being served, it was apparent that a number of the trees included in the Order had since declined or exhibited biomechanical defects that were likely to affect their long term retention.
- 1.14 Subsequent to the meeting, additional correspondence was received from Jonathan Fulcher of Alderwood Consulting Ltd. This outlined the areas discussed during the meeting, and stated as far as he is concerned, just two unresolved issues in regard to T3 Willow, and T9 Scots Pine.
- 1.15 As a result of the meeting, and additional inspections, a number of the trees were removed from the Order. These are T15 Maple, T3 Weeping willow, T7 birch, T9 Scots pine, G1 2 No. Cypress, T10 Robinia, T13 Cypress, and T14 Spruce. This essentially removes any objection to the Order being served.
- 1.16 Conclusions
- 1.17 Any tree that has deteriorated or is defective has been removed from the Order. These are T15 Maple, T3 Weeping willow, T7 birch, T9 Scots pine, G1 - 2 No. Cypress, T10 Robinia, T13 Cypress, and T14 Spruce.
- 1.18 Adjustments have been made to the Order, which effectively addresses, and resolves all the representations received. Trees T1 Fir, T2 Beech, T4 Birch, T5 Sycamore, T6 Birch, T8 Birch, T11 Birch, T12 Birch are to be included.
- 1.19 The trees have been assessed using a nationally recognised tool. Winchester City Council has followed the relevant guidance contained within *Tree Preservation Orders: a guide to the law and good practice*, thus the grounds for confirming the order are sound.

OTHER CONSIDERATIONS:

1 CORPORATE STRATEGY (RELEVANCE TO):

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

2 RESOURCE IMPLICATIONS:

None

BACKGROUND DOCUMENTS:

Tree Preservation Order 1916

Tree Evaluation Method for Preservation Orders (TEMPO)

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

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

Tree Strategy consultation draft 2007. Policy TPO 1

Correspondence from objectors

APPENDICES:

Map of modified TPO1916