

PLANNING DEVELOPMENT CONTROL COMMITTEE

19 July 2012

CONFIRMATION OF TREE PRESERVATION ORDER 2059 – The Old Stables, 140  
St Cross Road, Winchester

REPORT OF THE HEAD OF LANDSCAPE AND OPEN SPACES

Contact Officer : Thomas Gregory (Tel 01962 848 317) tgregory@winchester.gov.uk

RECENT REFERENCES

None

EXECUTIVE SUMMARY:

To consider the confirmation of Tree Preservation Order 2059, to which one objection has been raised.

RECOMMENDATION:

That, having taken into consideration the representations received, Tree Preservation Order 2059 be confirmed.

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#### REPORT OF THE HEAD OF LANDSCAPE AND OPEN SPACES

##### DETAIL:

1. TPO 2059 – The Old Stables, 140 St Cross Road, Winchester
- 1.1 The Tree Officer previously raised concerns over the proximity of a Western Red Cedar when an application was made for planning permission (under ref: 10/00495/FUL) to extend the above property. No objection was raised however subject to conditions being imposed. Planning permission was granted subject to conditions and the extension has since been constructed.
- 1.2 A Section 211 Notification of proposed works to trees in conservation area was received for the removal of the Western Red Cedar at the above address (which lies within the conservation area).
- 1.3 The Tree Officer attended the site to assess the tree and determined:
  - That the tree was in close proximity to the new extension but the extension was built in accordance with building regulations; and
  - That the tree provided significant visual amenity
- 1.4 Thus, the criteria for a Tree Preservation Order was met and a TPO was made on 09 May 2012.
- 1.5 The grounds for making the order were that these were: *“Significant tree that contributes to the visual amenity of the area.”*

##### Formal Objection

- 1.6 An objection to the TPO has been received from the land owner.
- 1.7 The objection stated:
  - ‘The Old Stable’ has been up for sale since last year and on several occasions the sale has fallen through because of the proximity of the tree to the house’.
  - As well as being unsaleable, feedback from letting agents is that prospective tenants are concerned that the tree may fall on the house.
  - There are many other trees on the plot and as such, I do not feel the removal of this cedar will markedly affect the character and amenity of the area.

- If the cedar can be felled, we are very happy to plant a replacement tree or trees elsewhere on this site or at an alternative site.

1.8 The objection also included a number of photographs of the tree on the site and two letters from estate agents confirming the problem the tree is causing with regards to the sale of the property.

#### Letter of Support

1.9 A letter of support for making the Tree Preservation Order has been received from the adjoining land owner

1.10 The letter of support stated:

- The tree is a distinctive feature of the Conservation Area.
- It protects the setting of the Conservation Area by blocking views of the buildings behind The Stables from St Cross Road.
- When the current owner/developer extended The Stables last year the Arboricultural Report and the planning application clearly states that no trees would be cut down. The extension was designed to allow for the tree and to cope with its roots.
- Consent has already been given for lopping other trees on the property. The work has been carried out and the general tree cover is diminished.

#### Officer Comments

1.11 In response to the public representations, the Tree Officer has observed that:

- The tree is highly visible from the public domain, particularly St Cross Road. At the time of inspection, it was found to be in good health.
- Whilst this tree is not the only Western Red Cedar on the site, it is considered to be the best. The others on site would have been maintained as a hedge historically, which is evident from the growth at approximately 1.8m above ground level. This tree (subject to TPO 2059) appears to have been left untouched from when it was originally planted and has grown into a good specimen.
- It is unfortunate if the tree is the main reason that the property has not yet been sold. As it is just one metre away from the extension to the house its proximity is likely to cause concern to any future owner/occupier, however the house is compliant with Building Regulations and has been built in accordance with the Arboricultural Method Statement submitted with the planning application. With this being the case, the impact of this tree on the dwelling from a structural point of view should not be an issue. No evidence has been submitted, and nor is it claimed that the tree is causing any structural harm to the building.

1.12 Notwithstanding the objection, in light of the assessment of the Tree Officer it is recommended that the Tree Preservation Order 2059 is confirmed.

OTHER CONSIDERATIONS:

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

The confirmation of this Tree Preservation Order will contribute to the High Quality Environment outcome of the Sustainable Community Strategy.

3. RESOURCE IMPLICATIONS:

There are no financial implications for the City Council.

4. RISK MANAGEMENT ISSUES

There are no risk management issues for the City Council.

BACKGROUND DOCUMENTS:

TPO 2059 – The Old Stables, 140 St Cross Road, Winchester

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)

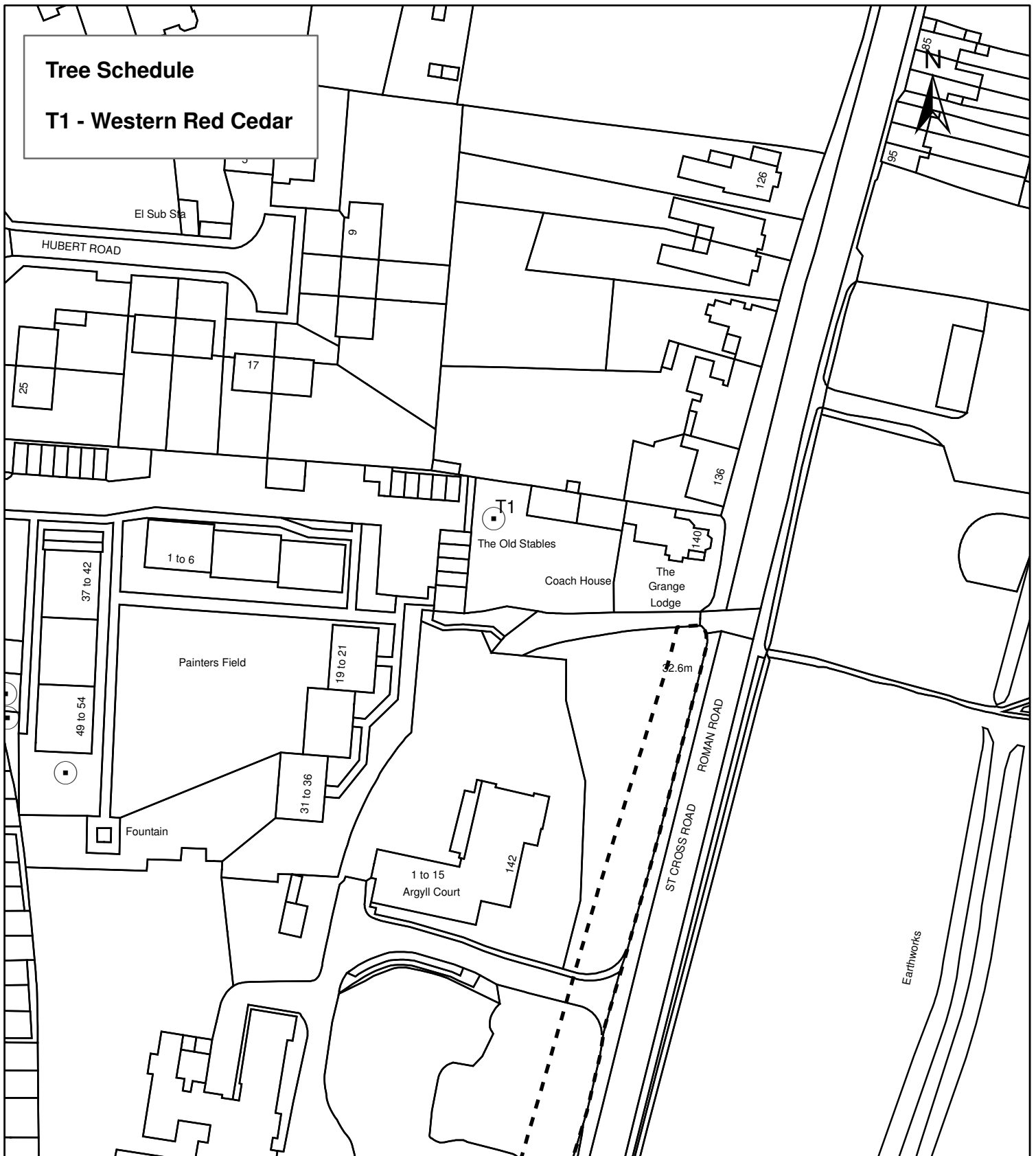
APPENDICES:

Map

Tree Officer Comments for 10/00495/FUL

# Tree Schedule

## T1 - Western Red Cedar



⋯ A1 ⋯ Area

⋯ G1 ⋯ Group

W1 Woodland

T1  Tree

OS Grid: 4727 Scale: 1:1,000 @ A4 Date: 24/04/2012

**TOWN AND COUNTRY PLANNING ACT 1990**  
Section 198 - 201

**Tree Preservation Order No 2059**

Location: **Land at The Old Stables**  
**140 St Cross Road**  
**Winchester**



# Winchester

City Council

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Winchester City Council  
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Colebrook Street  
Winchester  
Hampshire  
SO23 3DD

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<b>CONSULTATION REQUEST</b>  Target Date: <b>20 April 2010</b>	Case No: <b>10/00495/FUL</b>	W No: <b>W13342/06</b>
	DOE Code: <b>Q21</b>	Date Sent: <b>16.04.2010</b>
To: <b>LANDSCAPE</b>		From: <b>Mrs Jane Rarok , DC EAST TEAM</b>

Location:	<b>The Old Stables 140 St Cross Road Winchester Hampshire SO23 9RJ</b>
Proposal:	<b>(HOUSEHOLDER) Alterations and extension to existing dwelling to provide a larger kitchen, additional dining room and bedroom with ensuite. Comprises single storey and one and half storey extension(RESUBMISSION)</b>
Please may we have your observations on the enclosed application Reason for consultation	
Additional remarks:	
Signed:	Date:

<b>REPLY:</b>	
From: <b>Andrew Giles - Trees</b>	To: <b>Mrs Jane Rarok , DC EAST TEAM</b>
Observations:	
<p>Observations: I cannot see how this proposed extension can fit in the space allocated as there are trees in the neighbours garden of which would be too close to the new building. On the Arboricultural Report Carried out by Andy Shirlock ref: 9309-AIA-AS Dated 17<sup>th</sup> November 2009, the Western red cedar marked T3 on plan 9309-BT1 is a highly significant tree and the dining room part of the extension will be less than 1metre from the trunk of the tree. This will cause ongoing issues with this tree not only from light issues but needle drop etc and there would be lots of pressure in the future to remove this tree.</p> <p>According to the above report there would be no work to this tree, however according to the design the south end of the dining room/play room it could not be built without the removal of the major lower limbs of the Western red cedar.</p> <p>However if minded to grant consent I would recommend the following conditions:</p> <p>Tree Conditions AIA/AMS <u>Tree protection –</u></p> <p>Protective measures, including fencing and ground protection, in accordance with the Arboricultural Impact Appraisal and Method Statement reference 9309-AIA-AS written by Andy Shirlock of Barrell Tree Consultancy and submitted to the Local Planning Authority shall be installed prior to any demolition, construction or groundwork commencing on the site.</p> <p><u>Inspection of fencing</u></p> <p>The Arboricultural Officer shall be informed once protective measures have been installed so that the Construction Exclusion Zone (CEZ) can be inspected and deemed appropriate and in accordance with 9309-AIA-AS section 4.2.1 and appendix 5. Telephone 01962 848428.</p>	

Construction of special engineering under tree canopies

The Arboricultural Officer shall be informed prior to the commencement of construction of special surfacing under tree canopies so that a pre commencement site visit can be carried out. Telephone 01962 848428.

Limit of arboricultural work

No arboricultural works shall be carried out to trees other than those specified and in accordance with Method Statement 9309-AIA-AS section 4.

No deviation from agreed method statement

Any deviation from works prescribed or methods agreed in accordance with Method Statement 9309-AIA-AS section 4 shall be agreed in writing to the Local Planning Authority.

Arboricultural Supervision

No development, or site preparation prior to operations which has any effect on compacting, disturbing or altering the levels of the site, shall take place until a person suitably qualified in arboriculture, and approved as suitable by the Local Planning Authority, has been appointed to supervise construction activity occurring on the site. The arboricultural supervisor will be responsible for the implementation of protective measures, special surfacing and all works deemed necessary by the approved arboricultural method statement. Where ground measures are deemed necessary to protect root protection areas, the arboricultural supervisor shall ensure that these are installed prior to any vehicle movement, earth moving or construction activity occurring on the site and that all such measures to protect trees are inspected by the Local Planning Authority Arboricultural Officer prior to commencement of development work.

Reasons for above conditions: to ensure protection and long term viability of retained trees and to minimise impact of construction activity

Continued over (Please tick)

See attached (Please tick)

Recommendation (summarised). Please tick as appropriate:

I raise no objection on policy grounds, (Subject to the condition(s) listed

I recommend refusal on policy grounds, for the reason(s) listed.

Signed:

Date: