

PLANNING DEVELOPMENT CONTROL COMMITTEE

18 October 2012

Confirmation of Tree Preservation Order 2061 - Land at Marlands, Headborne Worthy, Hampshire.

REPORT OF THE HEAD OF LANDSCAPE AND OPEN SPACES

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RECENT REFERENCES

Planning Application 12/00881/FUL

EXECUTIVE SUMMARY:

To consider confirmation of Tree Preservation Order 2061 for which one letter of objection and one letter of support have been received.

RECOMMENDATION:

That, having taken into consideration the representations received, Tree Preservation Order 2061 be confirmed with modification.

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

#### DETAIL:

##### 1.0 Introduction

- 1.1 This matter has been referred to committee because the Council received a letter of objection to Tree Preservation Order 2061. TPO 2061 covers a total of 9 trees, shown as T1 – T9 on the Tree Schedule.
- 1.2 The Council received a planning application for the erection of a two storey 2 no. bay garage with a pit in the garage floor. The proposal includes a work room and ancillary accommodation above the garage.
- 1.3 The proposed site of the two storey garage is within the Root Protection Area (RPA) of mature trees growing along the western boundary of the site at Marlands adjacent to London Road.
- 1.4 The application did not include details of tree protection measures, as required by BS5837: 2012, which are required due to the impact of the proposal on the trees.
- 1.5 The application includes a proposal to fell T2, which is a mature Yew tree approximately 80 to 100 years in age. This Yew tree is in good health and colour with no decay pathogens or decay fungi present.
- 1.6 In addition to the loss of the Yew, the proposal will have a detrimental effect on the health of T1 (Copper Beech) and T3 (Horse Chestnut) due to root severance, loss of growing space, soil compaction and soil contamination from construction activities.
- 1.7 All the trees are highly visible from London Road and are considered to have high amenity value.
- 1.8 In order to prevent the felling of T2 and protection of T1 & T3, a Tree Preservation Order was served on the 10th May 2012, which remains provisional and will expire on the 6th November 2012 unless confirmed by committee.
- 1.9 The grounds for making the order were that these trees were:  
“Significant trees that contribute to the visual amenity of the area.”

## 2.0 Summary of Objection

- 2.1 An objection to the TPO has been received from the Land Owner.
- 2.2 The objection disputes that 'the Yew is a significant tree that contributes to the character and amenity of the area'.
- 2.3 The objection also states that:
- The Yew tree is not as significant as other trees on the site.
  - The Tree Preservation Order is an obstacle to the construction of the garage.
  - Serving a Tree Preservation Order on these trees is not in accordance with provisions laid out in the Town and Country planning Act.

## 3.0 Summary of Representations in Support

- 3.1 One letter in support of the TPO has been received from the owner of a neighbouring property. This states: "I fully support the Tree Preservation Order in order to maintain tree cover in the local area and cannot see why there are any reasons to fell any trees at Marlands."

## 4.0 Arboricultural Officer's Response:

- 4.1 The planning application contravenes DP 4, as it would lead to the loss of significant trees, which contribute to local amenity and character of the area. As a result of the development proposal, the trees are subject to threat arising from proposed development.
- 4.2 Good practice guidance issued in the document 'Tree Preservation Orders: A Guide to the Law and Good Practice' states that:

'LPAs should be able to show that a reasonable degree of public benefit would accrue before Tree Preservation Orders 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'

The grounds for making the TPO are therefore in accordance with the established guidance. T1, T2 and T3 trees are significant trees which contribute to the local amenity.

- 4.3 The Tree Preservation Order does not preclude construction of the garage. The garage could be constructed and the trees retained. The Arboricultural Officer has provided advice to the applicant as to how the

garage may be constructed without removing the Yew tree and taking into account the Root Protection Area of both T1 & T3.

- 4.4 It is recommended that trees T4,T5,T6,T7,T8 and T9, after closer inspection, shall be removed from the order. T4 – T7 are Pine trees and are situated in the neighbouring property and T8 and T9 are both Birch Trees and considered to have less amenity value.

OTHER CONSIDERATIONS:

5. SUSTAINABLE COMMUNITY STRATEGY AND CHANGE PLAN (RELEVANCE TO):

- 5.1 Confirmation of this Tree Preservation will contribute to the High Quality Environment outcome of the Sustainable Community Strategy by maintaining the environmental quality and character of the area.

5.2 RESOURCE IMPLICATIONS:

There are no financial implications for the City Council.

5.3. RISK MANAGEMENT ISSUES:

There are no Risks to the Council.

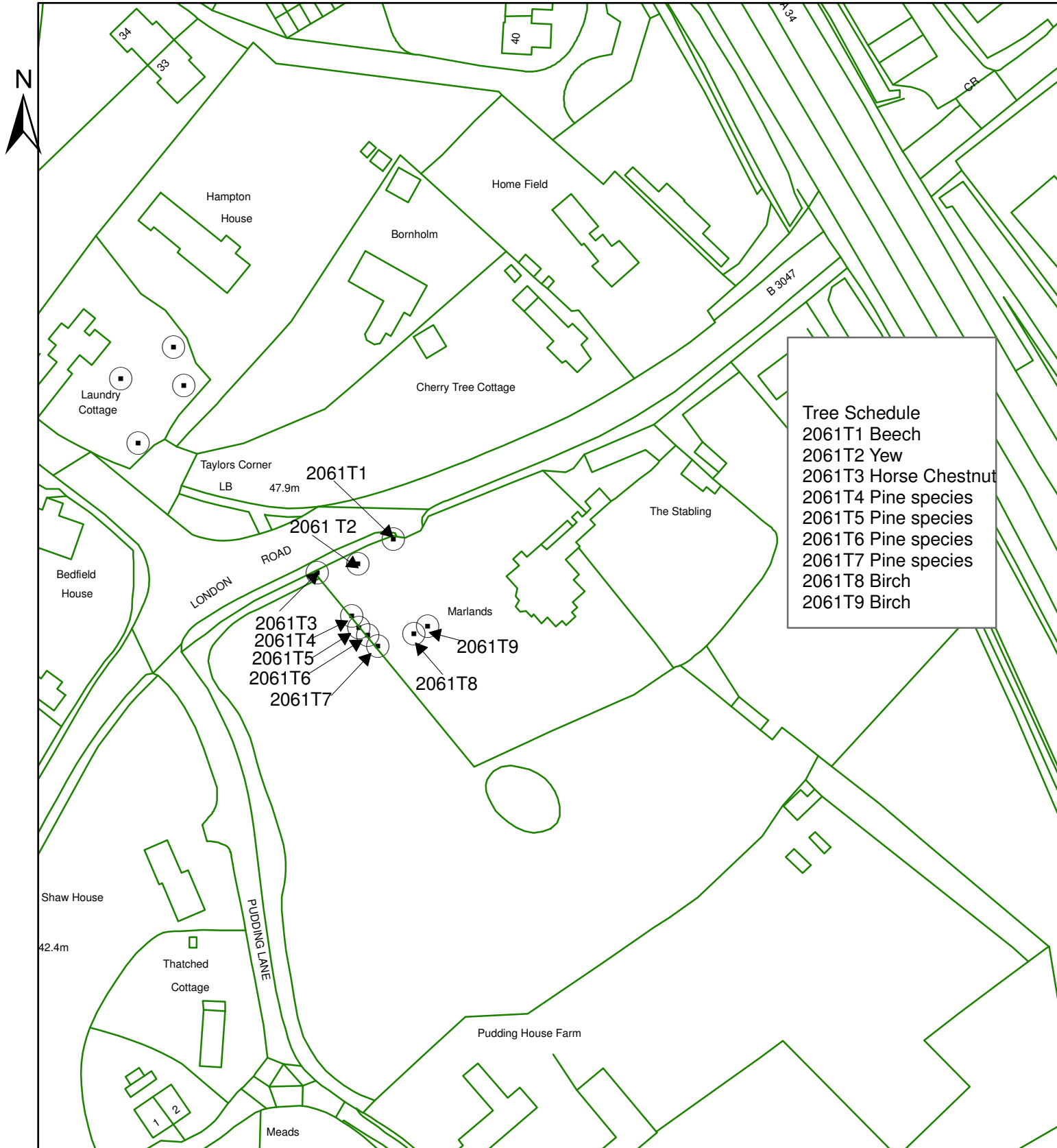
BACKGROUND DOCUMENTS:

None

APPENDICES:

Appendix A – Location Map showing all 9 TPO trees

Appendix B – Location Map showing proposed modifications



A1 Area  
 G1 Group  
 W1 Woodland  
 T1 Tree

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

**Tree Preservation Order No 2061**  
**Land at Marlands**  
 Location: **London Road**  
**Headbourne Worthy**  
**Winchester**  
**Hants**

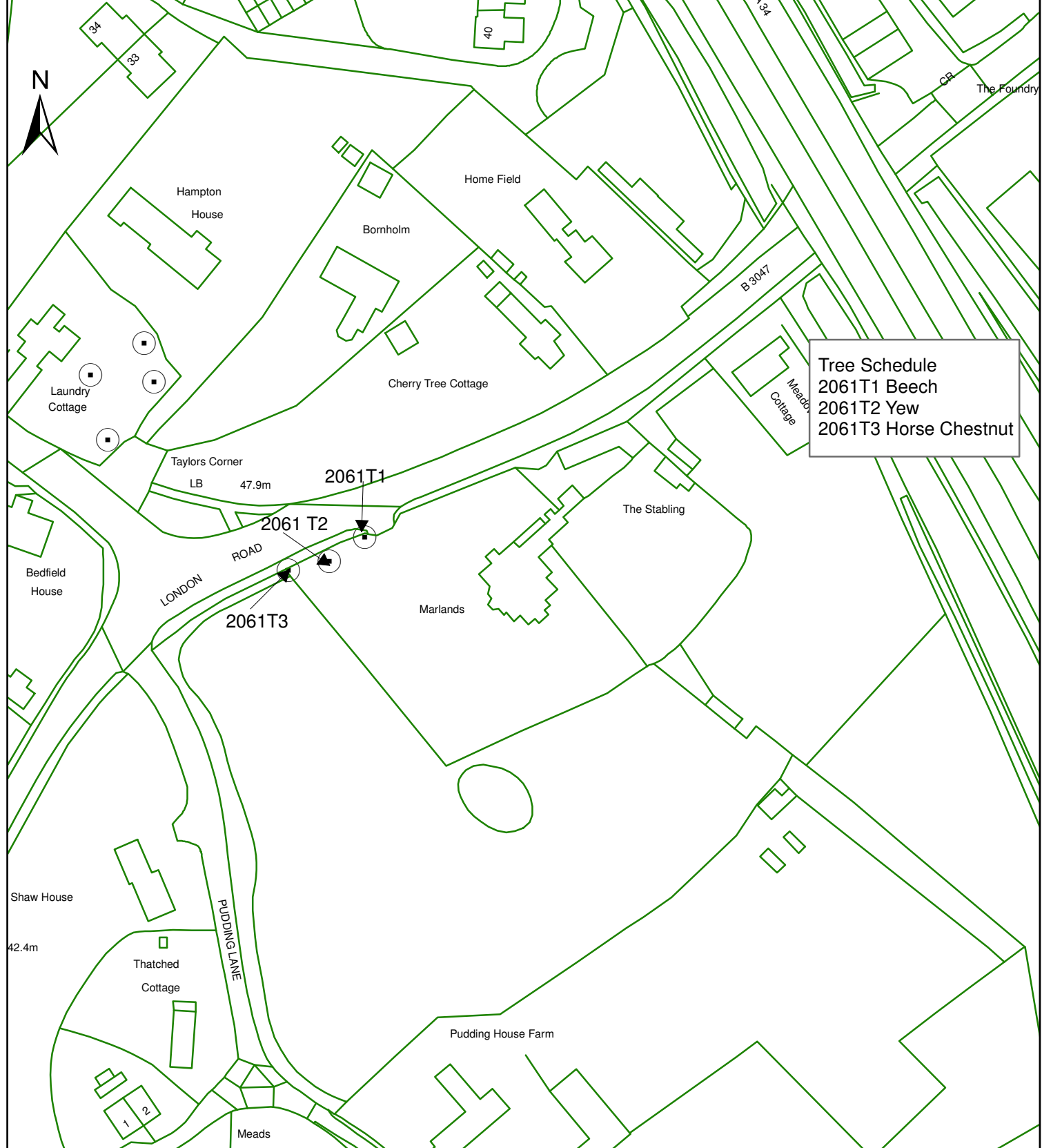
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Tree Schedule  
 2061T1 Beech  
 2061T2 Yew  
 2061T3 Horse Chestnut

Area  
 Group  
 Woodland  
 Tree  
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