

PLANNING DEVELOPMENT CONTROL COMMITTEE

12 June 2008

CONFIRMATION OF TREE PRESERVATION ORDER 1910
LINKS ROAD AND WALNUT GROVE, WINCHESTER

REPORT OF HEAD OF ENVIRONMENT

(Contact Officer : Kevin Cloud (Tel 01962 848317)

RECENT REFERENCES

None

EXECUTIVE SUMMARY:

To consider confirmation of Tree Preservation Order 1910 Links Road and Walnut Grove, Winchester to which objections have been made.

RECOMMENDATION:

That, having taken into consideration the representations received, that Tree Preservation Order 1910 be confirmed.

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DETAIL:

1. TPO 1910 Links Road and Walnut Grove, Winchester.

1.1 The Tree Preservation Order was served on 27th December 2007. and, if not confirmed, will expire on 27 June 2008.

1.2 The trees were formerly protected by Tree Preservation Order 0655. TPO 1910 and TPO 1911 have been served as a review and update of the original order, in line with guidance laid out by government in *Tree preservation orders: a guide to the law and good practice*. TPO 1911 has been confirmed as an unamended, unopposed order.

1.3 Formal Objections

1.4 Correspondence has been received from Mr R D and Mrs E R Moss of 2 Links Road which contains objections on the following grounds:

- *that TPO 0655 was never confirmed and as such the placing of protection on the maple constitutes a new order not an updated version of 0655;*
- *that maple (T4) is planted too close to the house;*
- *the tree is in responsible ownership.*

1.5 Officer Comments

1.6 The Department of Communities and Local Government provides a guidance document entitled *Tree Preservation Orders: a guide to the law and good practice* [good practice guide]. This document is aimed at providing guidance directly to local planning authorities (LPAs) and suggests ways in which such local authorities can work in line with good administrative practice.

1.7 Chapter 4 paragraph 4.17 states that:

“Local Planning Authorities are advised to keep their TPOs under review. In particular they are advised to put in place a programme for reviewing the 'area orders' for which they are responsible”

Furthermore chapter 4.18 states that:

“When reviewing area orders LPAs are advised to concentrate on trees and groups of trees which make a significant impact on the local environment and its enjoyment by the public at large”.

1.8 TPO 0655 was served as an area order. Following legislative and administrative changes this TPO was highlighted as outdated; covered some trees which were not of merit and lacked sufficient evidence of confirmation. It is worth noting that lack of evidence of confirmation does not mean that the TPO was not confirmed. This is because previous legislation automatically confirmed orders unless called in by the Secretary of State. Records of confirmation were held by the Government Office

until recently when the archives were destroyed. Previous appeals have been held on this TPO indicating that, historically, the Government Office were satisfied that TPO 0655 was confirmed.

- 1.9 The objective of the original TPO was to protect trees which were included within the boundary of development proposals and those trees which would be planted as a result of new landscaping proposals.
- 1.10 In serving the new TPOs, the local planning authority is confident that this objective is maintained. In addition, the new TPO removes many poor or low merit trees, which previously placed a burden on the owners to make applications for tree work.
- 1.11 Trees contained in the new order meet the criteria for inclusion in terms of amenity value and expediency. 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 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 The maple (T4) is a healthy tree with good form. It is a prominent tree and contributes to the character and amenity of the street scene and is worthy of protection.
- 1.13 The objector raises concerns about structural damage to property. The tree is located on a chalk soil and thus subsidence damage is impossible as such soil is not shrinkable. A residual risk of direct damage to lightly loaded structures will remain but this would not constitute reason to exclude the tree from TPO.
- 1.14 The Council’s arboricultural officer accepts that the objectors consider themselves to be responsible landowners. The good practice guide paragraph 3.5 states that:
- “It may be expedient to make a TPO if the LPA believe there is a risk of the tree being cut down or pruned in ways which would have a significant impact on the amenity of the area. It is not necessary for the risk to be immediate”.*
- The local planning authority has received and subsequently refused an application to carry out work to the tree on the grounds that it would be detrimental to the health of the tree and would thus threaten the amenity that the tree provides. In light of this the inclusion of the maple is considered expedient.
- 1.15 Conclusion
- 1.16 Winchester City Council has followed the relevant guidance contained within *Tree Preservation Orders: a guide to the law and good practice*. Therefore the grounds for making the order are sound.
- 1.17 The trees have been assessed in line with a recognised national standard as recommended by government guidance. Furthermore a review of old orders is encouraged by government.
- 1.18 The review of this order lessens the burden on many households as it only protects the good, health and prominent trees removing the need for applications for tree work on such trees. Further orders will be reviewed as resources become available to do so and will be targeted following similar criteria to TPO 0655.

- 1.19 The presence of a TPO does not place an unacceptable hindrance on tree owners who want to carry out management in line with good arboricultural practice.
- 1.20 An application may be made at any time and will be judged on its merits by the local planning authority.

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 1910

Tree Evaluation Method for Preservation Orders (TEMPO)

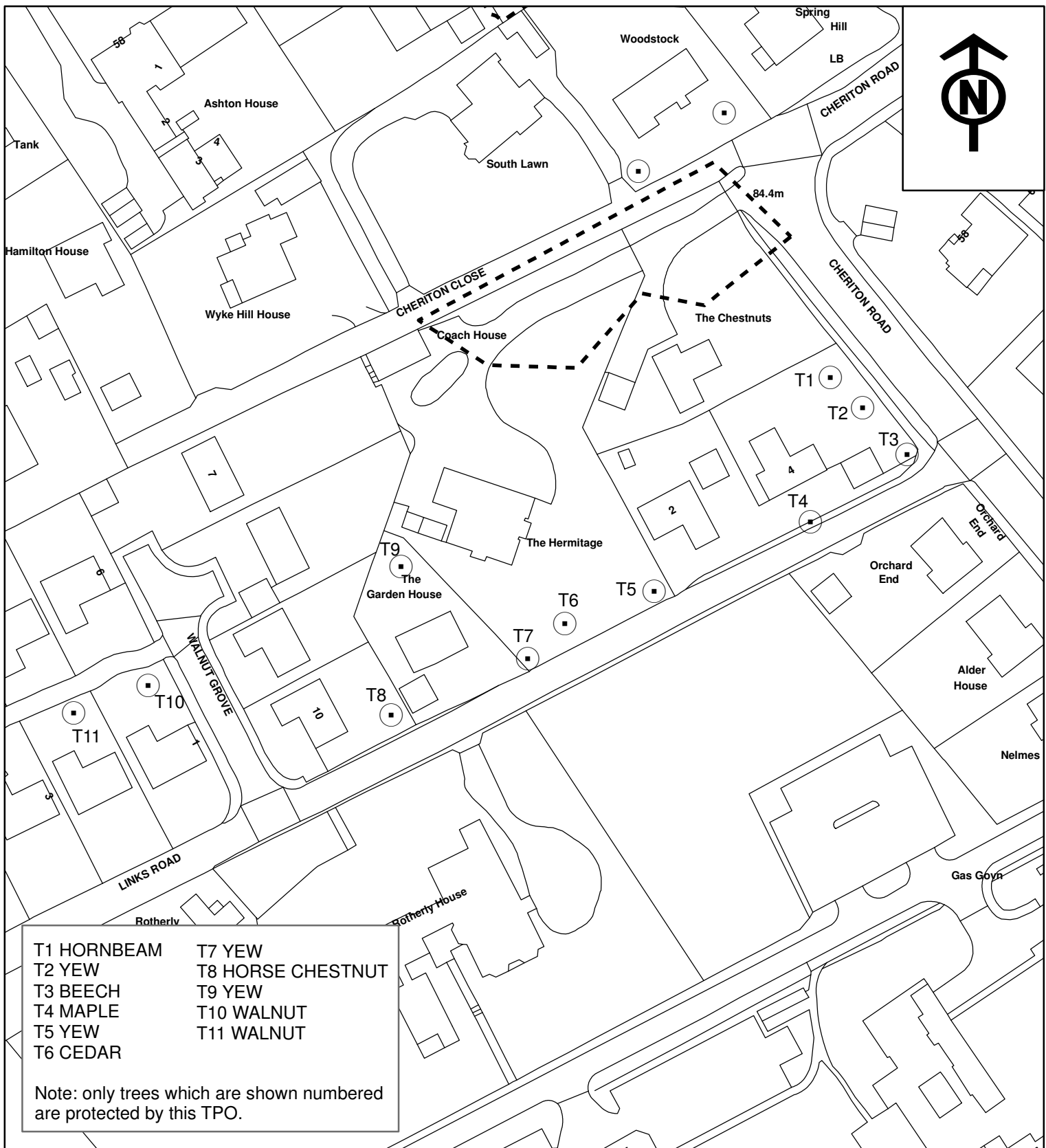
Tree Preservation Orders: a guide to the law and good practice

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

Correspondence from objectors is held on the Case File

APPENDICES:

Map of the site



- | | |
|-------------|-------------------|
| T1 HORNBEAM | T7 YEW |
| T2 YEW | T8 HORSE CHESTNUT |
| T3 BEECH | T9 YEW |
| T4 MAPLE | T10 WALNUT |
| T5 YEW | T11 WALNUT |
| T6 CEDAR | |

Note: only trees which are shown numbered are protected by this TPO.

Area
 Group
 Woodland
 Tree

TOWN AND COUNTRY PLANNING ACT 1990
Section 198 - 201

TREE PRESERVATION ORDER No: 1910

Location: **Links Road and Walnut Grove, Winchester**

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