

PLANNING DEVELOPMENT CONTROL COMMITTEE

12 June 2008

CONFIRMATION OF TREE PRESERVATION ORDER 1912
FISH HOUSE, KYTES LANE, DURLEY

REPORT OF HEAD OF ENVIRONMENT

(Contact Officer : Ian Cupper (Tel 01962 848317)

RECENT REFERENCES

None

EXECUTIVE SUMMARY:

To consider confirmation of Tree Preservation Order 1912 Fish House, Kytes Lane, Durley to which objections have been made.

RECOMMENDATION:

That having taken into consideration the representations received, Tree Preservation Order 1912 be confirmed, subject to modification.

PLANNING DEVELOPMENT CONTROL COMMITTEE

12 June 2008

CONFIRMATION OF TREE PRESERVATION ORDER 1912 (AS MODIFIED)

REPORT OF HEAD OF ENVIRONMENT

DETAIL:

1.1 Fish House, Kytes Lane, Durley

1.2 Winchester City Council received information from a number of people to suggest that trees situated at Fish House, Kytes Lane, Durley were at risk of felling in order to remove the constraints that trees may place upon proposed development of the land.

1.3 An arboricultural officer attended site in January 2008 to assess the impact that the removal of trees would have on the visual amenity of the area. Observations were made from all the points where the tree was visible to the public.

1.4 The arboricultural officer's report stated that:

"The trees are of high amenity value contributing to the nature and character of the area."

1.5 It was decided that if a provisional Tree Preservation Order (TPO) was not served, significant trees could be lost, denuding the area of tree cover with the subsequent loss of character and amenity within this part of the district.

1.6 A TPO was made and served on 28th January 2008 to protect the trees from possible felling.

1.7 Formal Objections

1.8 Correspondence has been received from Barrell Tree Consultancy.

1.9 There have been objections on the grounds that:

- *G1 & T2 have very little public amenity value and are not easily viewed.*
- *T1 is surrounded by extensive areas of concrete, a fungal fruiting bracket was observed at the base of the tree and there is significant dead wood present in the crown.*

1.10 Officer Comments

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.

- 1.11 There is a potential threat to the trees as a planning application has been received to develop the area.
- 1.12 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”.*
- 1.13 Regarding G1, T2 - Barrell Tree Consultancy state “ the trees are not easily viewed from the public realm in the Sawmills”
- All of the trees are partially visible from nearby public areas including roads. The Council concedes that all of the trees do not have extensive public visibility at present, however given that the area is intended to be developed, the Council believes it is prudent at this stage to protect the significant trees on site to ensure the long term mature tree coverage of the area.
- 1.14 The presence of decay fungi, *Fistulina hepatica*, has recently been confirmed on T1 oak. In light of this, the Council’s arboricultural officer accepts the objector’s view that this tree is indeed declining, and the tree’s safe useful life expectancy will be significantly reduced. Consequently T1 has been removed from this Order.
- 1.15 Public benefit - The Council have received two letters from local residents supporting the TPO as they feel the residents and visitors to the Saw Mills will benefit significantly if the trees are retained and protected. Moreover, a letter initially requesting the TPO was signed by 12 local residents.
- All of the local residents strongly feel the mature trees behind their properties are in need of protection as their removal would detrimentally affect the character of the area.
- 1.16 Conclusion
- 1.17 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*. Therefore the grounds for making the order are sound.
- 1.18 There is a perceived threat to the trees as a planning application has been received to develop the area.
- 1.19 The removal of these prominent trees would be detrimental to the amenity of the area.
- 1.20 Local residents strongly support the confirmation of this TPO and highlight the trees are visible from public places.
- 1.21 The TPO map and schedule have been amended to exclude T1.

CORPORATE STRATEGY (RELEVANCE TO):

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

1 RESOURCE IMPLICATIONS:

None

BACKGROUND DOCUMENTS:

Tree Preservation Order 1912

Tree Evaluation Method for Preservation Orders (TEMPO)

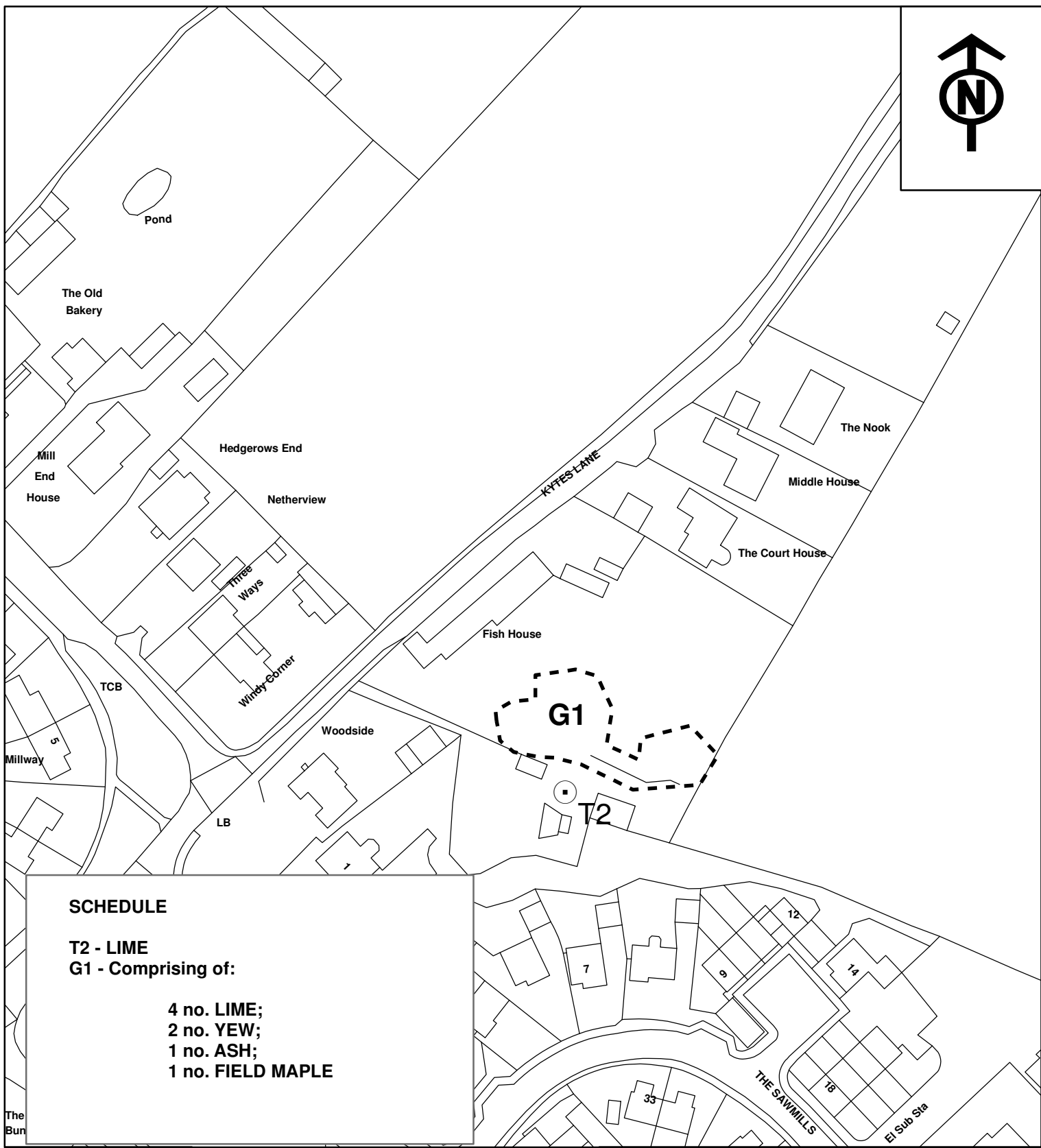
Tree Preservation Orders: a guide to the law and good practice

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

Letter of objection held on the Case File

APPENDICES:

Map of the site







SCHEDULE

T2 - LIME

G1 - Comprising of:

- 4 no. LIME;
- 2 no. YEW;
- 1 no. ASH;
- 1 no. FIELD MAPLE

-  A1 Area
-  G1 Group
-  W1 Woodland
-  T1 Tree

TOWN AND COUNTRY PLANNING ACT 1990
Section 198 - 201

TREE PRESERVATION ORDER No: 1912

Location: **land at Fish House,
Kytess Lane,
Durley.**



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