

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 3 July 2008

*Winchester City
Council*
Planning Department
Development Control

Committee Decision

**TEAM MANAGER
SIGN OFF SHEET**

Case No:	08/00824/TPO	Valid Date	25 March 2008
W No:	TPO/1652/03	Recommendation Date	8 May 2008
Case Officer:	Mr Kevin Cloud	8 Week Date	20 May 2008
		Committee date	3rd July 2008
Recommendation:	Application Refused	Decision:	Committee Decision

Proposal: Fell 1no. Beech tree and replace with an appropriate substitute

Site: The Soke 12 Chesil Street Winchester Hampshire SO23 0HU

Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
	N	N	N	N		

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed	REFUSE for the reason(s) listed	
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:-

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Item No: 7
Case No: 08/00824/TPO / WTPO/1652/03
Proposal Description: Fell 1no. Beech tree and replace with an appropriate substitute
Address: The Soke 12 Chesil Street Winchester Hampshire SO23 0HU
Parish/Ward: Winchester Town
Applicants Name: Mr Peter Hutt
Case Officer: Mr Kevin Cloud
Date Valid: 25 March 2008
Site Factors: TPO 1652 T1
Conservation Area
Historic landscape
Flood risk zone
Within 50m of Listed Building
Within 50m of public footpsth
Within 50m of River Itchen SSSI

Recommendation: Application Refused

General Comments

This application is reported to Committee at the request of the Head of Planning Control because of the complex nature of the case.

This application has been submitted following a previous refusal to fell the tree and the subsequent appeal decision which was dismissed.

A copy of the appeal decision is attached for information.

Site Description

The tree is located in the rear garden of The Soke, 12 Chesil Street. The applicant's property is at No. 8 Chesil Street.

The houses at Nos. 8, 10 and 12 Chesil Street are listed buildings, of four storeys, located on the western side of the road. The properties back onto the eastern bank of the River Itchen, approximately 50 metres back from the river edge. The rear gardens are walled with a common rear boundary wall to the river. The western bank of the river has a public footpath with grass verges and railings on the raised edge.

The rear garden of No. 12 is terraced from the house, with lawns at a lower level.

The rear gardens and the combination of mature trees make an important contribution to the character of the locality within the conservation area. The footpath along the River Itchen at this point is a significant feature of Winchester and attracts many visitors

Description of the tree

The tree is situated at the edge of the terrace, approx. 10 metres to the east of a mature walnut.

The tree is a mature beech, 17.6 metres tall with a stem diameter at 1.5 metres of 78 centimetres. The spread of the crown to the north is 7.5 metres; to the south 7.5 metres; east 6 metres and west 7 metres. The tree has a single stem to approximately 1.8 metres where it then forks into

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four main stems. The crown is formed of the ascending branches from the fork, with the lowest minor lateral branch at approximately 3.5 metres.

The tree is in good condition with no indications of any biological or structural defects. There are no indications that the tree may be unstable and the tree is upright and it is estimated to be 85 – 90 years old. Estimated life expectancy for the species is 200 years.

The tree is the subject of Tree Preservation Order 1652 relating to land at The Soke, 12 Chesil Street. It is identified as T1 in the order which was confirmed, unopposed, on the 11th of December 1998.

Proposal

The applicant is seeking to fell the tree and plant an appropriate replacement because of the implications of leaf fall into rainwater goods.

Relevant Planning History

There are no applications for tree works relating to this TPO from its confirmation until 2006.

06/02077/TPO - Fell 1 no beech - Application Refused - 03/08/2006

This application was refused under delegated powers following a recommendation from the Tree Officer. The officer's comments at the time were that the tree is healthy, large and prominent and that it is highly visible from the river.

An appeal against the above decision (GOSE/107/001/WINC/47448) was dismissed on 30th april 2007. The Secretary of State agreed with the appeal Inspector's findings that the tree makes a positive contribution to the landscape and character of the area and is in reasonable condition, structurally sound with no abnormal risk potential. Furthermore, she accepts that the problems caused to the buildings have developed due to leaf litter being trapped, which could be alleviated by other means. On balance, she believes that the proposal to fell the tree would be detrimental to public amenity and unjustified.

07/02703/TPO - Fell 1 no beech - Application Withdrawn

Part of the appeal Inspector's report on the previous appeal indicated a possible pruning solution to the problem of leaf fall. A site meeting was held between the Council's Arboricultural Officer and the applicant with regard to acceptable levels of pruning, and the type and nature of evidence that the applicant should submit in order to support his justification for felling. The evidence was not immediately forthcoming so the applicant agreed to withdraw his application.

The latest application (08/00824/TPO) follows further correspondence with the applicant by the Arboricultural Officer and Conservation Officer. The Arboricultural Officer's correspondence detailed the levels of pruning that may be possible without detriment to the health or amenity of the tree. The Conservation Officer's correspondence detailed possible alterations to the building that would alleviate the problems of leaf build up and drainage and that could be supported by the Conservation Team.

Consultations

Conservation: Trees are an important feature of the historic environment of Winchester. Changes could be implemented to the drainage goods, coupled with other building modifications, which would reduce the issues stated by the applicant.

Landscape: Tree contributes to the character of Winchester in this area. The tree is prominent from the public path along the river and contributes to the character defined by the rear gardens of the properties which line the river. Its loss would remove an important mature tree which is

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considered healthy and of acceptable risk to persons and property. The tree is well worthy of the Tree Preservation Order status afforded it and its loss would have an unacceptable and detrimental effect on the character and amenity of the area.

Representations:

City of Winchester Trust: Comments:

The preservation of trees in the overall character of Winchester is as much of our concern as the buildings. Share WCC view there appears to be a way of preserving both tree and building by alternative measures than felling.

No letters of representation received.

Relevant Planning Policy:

Winchester District Local Plan Review
DP1 DP4 HE6 HE8

Other Planning Guidance

Hampshire Biodiversity Action Plan
Hampshire Historic Landscape Assessment
Housing Monitoring Report
Itchen Valley Management Strategy
Site of Importance for Nature Conservation (SINCS): Winchester District
The Future of Winchester Study
The Hampshire Landscape: A Strategy for the future
Winchester City and its Setting
Winchester District Landscape Assessment
Winchester City Council Tree Strategy Consultation draft

Considerations

The applicant has produced some information with regard to the ongoing cost of clearing leaves from his rainwater goods and about appropriate planting distances from houses obtained by the Subsidence Advisory Board. This information is not relevant in this case as it is designed as an aid to replanting trees where subsidence is possible. Given the prevailing soil characteristic of Chesil Street, soil shrinkage is not an issue and no claims of vegetation related subsidence have been made in this area.

The applicant also provides sketches indicating his interpretation of the appeal Inspector's recommendations in terms of pruning. The Inspector commented that "*the appellant should be encouraged to agree a management programme for the tree with the council's arboricultural officer, with the intention of maintaining the tree at a height sufficiently lower than the roof parapet to alleviate the problem of leaf litter*". In order for the tree to be reduced in height to that suggested by the Inspector, the magnitude of the works involved would be likely to result in the tree being killed. The amount of the tree that would be lost to achieve the height reduction, based on the applicant's interpretation of the Inspector's comments, would be 10 metres, reduced from a current tree height of 17.6m. Industry best practice states that, to maintain tree health, reduction in the crown should not exceed 20% of the total crown. Given that beech is a species which does not respond well to pruning, the recommendation would be to stage the reduction of the crown over a number of years to achieve the desired reduction. However, removal (topping) of the top half of the crown would result in a massive shock to the biological systems within the tree and open up the tree to decay and biological infection which would further limit the chances of the tree surviving.

Impact on character of area and neighbouring property

The loss of the tree would have a significant detrimental effect on the character and amenity of

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the area. In dismissing the previous appeal, the Inspector recognised the contribution of the tree to the landscape and character of the area and was of the view that its unjustified loss would be detrimental to public amenity.

Landscape/Trees

The tree has been assessed as having a long, safe, useful life expectancy and worthy of the Tree Preservation Order. Its felling would remove a large, mature and healthy landscape feature from this part of Winchester.

Leaf fall into the gutters and drains could be lessened by some pruning to reduce the crown by 15% which is considerably less than that suggested by the applicant. In addition, remedial work to the drainage goods of the property could further reduce the problem.

Leaf fall is a natural part of the biological process of tree life. Whilst it is accepted that access to the applicant's drainage goods is difficult and expensive, it is possible.

The status and condition of the tree have been agreed upon by both of the Council's tree officers and upheld by an appeal Inspector and the Secretary of State. In conducting the appeal and formulating the reason for dismissal, the Inspector made reference to the status of the applicant's property and the problems encountered as a result of leaf fall.

The Council's tree officers would support remedial crown reduction of 15%, should an application be made for such work, followed by a review of the situation after two seasons to ascertain whether this has significantly improved the situation. If not, then further pruning to reduce the crown further could be recommended.

Conclusion

The submitted proposal is contrary to Policies T1, T4, TPO1 and TPO3 of the Winchester City Council tree strategy consultation draft in that the tree is of acknowledged amenity value, is visible to the public and is in reasonable health and condition. Furthermore, there is a pruning solution to the issues facing the applicant.

Recommendation

Application Refused for the following reason:

1. The removal of the tree would have a significant and detrimental effect on the character of the area and would be contrary to Policies T1, T4, TPO1 and TPO3 of the Winchester City Council tree strategy consultation draft.

Informative

1. The Local Planning Authority would support an application to reduce the crown of the tree by 15% as this would allow the retention of the tree and reduce the amount of leaf fall into the gutters whilst following arboricultural good practice to ensure the ongoing health of the tree.