

PLANNING DEVELOPMENT CONTROL COMMITTEE

8 January 2015

Confirmation of Tree Preservation Order 2117, Land at 11 & 12 Elizabeth Place,
Chilbolton Avenue Winchester.

REPORT OF THE HEAD OF LANDSCAPE AND OPEN SPACES

Contact Officer : Ivan Gurdler (Tel 01962 848403 igurdler@winchester.gov.uk)

RECENT REFERENCES

None

EXECUTIVE SUMMARY:

To consider confirmation of Tree Preservation Order 2117 for which three letters of objection have been received. .

RECOMMENDATION:

That having taken into consideration the representations received Tree Preservation Order 2117 be confirmed.

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DETAIL:

- 1.1 This matter comes to committee because the Council has received three letters of objection to Tree Preservation Order 2117.
- 1.2 Elizabeth Place is a new development that has been constructed following the demolition of 45-47 Chilbolton Avenue.
- 1.3 The Arboricultural information supplied by Alfred Homes at the time of consent for the construction of Elizabeth place, showed a line of mature conifers growing along the western boundary of the site for retention to act as screening to the development for properties in Stockers Avenue.
- 1.4 Near to the completion of the development, Alfred homes applied to the Local Planning Authority for a variation in the planning condition in relation to tree protection. The variation asked permission to remove the mature conifers on the western boundary of the site and to replant a new row of trees and mature shrubs along this boundary to maintain a screen.
- 1.5 The planned structure of this screen was a line of trees spaced at regular intervals with an understorey planted hedge.
- 1.6 The reason given for the removal of the conifers was that they were unsightly because they had been topped and the lower canopy had become thin through natural die back.
- 1.7 The Arboricultural officer was also consulted, who agreed that the conifers were poor examples of their species.
- 1.8 The Planning case officer for the development carried out a consultation with the residents in Stockers Avenue, as the proposal would directly affect their view of the site from the rear of their properties.
- 1.9 The residents agreed to the variation of the planning condition, and consent was given to Alfred Homes.
- 1.10 The residents of Stockers Avenue, the planning case officer, and local councillor requested a Tree Preservation Order to protect the new replacement trees to ensure the longevity of the new screening. Alfred Homes as the land owner agreed to the Tree Preservation Order,
- 1.11 Tree Preservation Order 2117 was made on the 19th August 2014, and will expire on the 18th February 2015 unless confirmed by committee

Summary of Objection

- 1.12 That the trees do not provide a screen for the properties in Stockers Avenue and they do not contribute to the amenity and character of the local area, and that the trees cannot be seen by the public.
- 1.13 The trees will grow too big for the gardens and cast shade
- 1.14 It is inappropriate to put tree preservation orders on newly planted trees.
- 1.15 The neighbouring properties at Elizabeth Place were not consulted before the TPO was served.
- 1.16 The trees in the neighbouring plot at 49A Chilbolton Avenue did not have tree preservation orders on them, and they have been removed to facilitate the construction at this site.
- 1.17 The roots of the trees may cause subsidence in the future.
- 1.18 The new line of trees extends further along the site boundary than the original line of conifers.

Arboricultural Officer's Response:

- 1.19 The TPO legislation allows for any tree to be protected that LPA considers has sufficient amenity value. This includes the potential that newly planted trees may provide future amenity. It is impractical and expensive on some sites to plant large trees for instant impact. Therefore allowances have to be made for the tree to grow to achieve their full amenity value. It is common practice to protect newly planted trees with a Tree Preservation Order to ensure longevity.
- 1.20 The Secretary of State's view on individual, collective and the wider impact of trees is that public amenity, visibility alone will not be sufficient to warrant an order. The Authority is advised to also assess the particular importance of an individual tree, groups of trees or of woodlands by reference to its or their characteristics including: size and form, future potential as an amenity, rarity, cultural and historic value, contribution to and relationship with the landscape and contribution to the character or appearance of a conservation area. The newly planted line of trees at Elizabeth Place seeks to achieve this.
- 1.21 The relevant legislation requires that the Local planning Authority has a duty to notify persons affected by the Order with an interest in the land or persons who would be entitled to cut lop or top the relevant trees. In this case the trees are on the boundary with Stockers Avenue, and all of the landowners on this boundary were notified
- 1.22 The newly planted trees are to provide a filtered view of the development from Stockers Avenue. Good Arboricultural practice is to thin the line of trees in years to come by selectively removing trees to ensure that the line ultimately contains good examples of the specimens planted. The correct management of the trees will create suitable gaps between the trees to allow sunlight into the gardens and

maintain a filtered view of the site from Stockers Avenue. The under planting of the hedge should be maintained to just above the close board fence to screen the lower parts of the development with the trees located at suitable distances along the boundary to soften the appearance of the development. It is not the intention of the Local Authority to create a high hedge that completely blocks out all light and views from the site.

- 1.23 The objectives of this management plan for the trees can only be achieved by placing Tree Preservation Orders on the trees to ensure good future tree management.
- 1.24 The Tree Preservation Order will not stop or hinder future maintenance of the trees. Future applications in respect of the trees will be evaluated on the basis of good Arboricultural practice.
- 1.25 The trees at 49A Chilbolton Avenue were surveyed by the Arboricultural Officer, and it was found that no trees on site were worthy of protection..
- 1.26 It is not possible at this stage to evaluate the likelihood that the replacement trees will cause subsidence in the future. If any issues arise, in the future they will have to be dealt with in the appropriate way.
- 1.27 However, it should be noted that the dwellings were constructed with the line of mature conifers present and the sub soil is chalk. The rooting depth of tree roots on average is only 600mm.
- 1.28 It is acknowledged that the line of mature conifers did not extend along the full length of the western boundary of the site. The agreed variation to the planning condition was that the new line of trees would extend along the full length of the western boundary.

OTHER CONSIDERATIONS:

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

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.

3. RESOURCE IMPLICATIONS:

There are no financial implications for the City Council.

4. RISK MANAGEMENT ISSUES

There are no risk management issues to the Council. .

5. BACKGROUND DOCUMENTS:

TPO 2117 – Land at Elizabeth Place, Chilbolton Avenue, Winchester

Winchester City Council Tree Strategy consultation draft 2007.

Tree Evaluation method for Preservation Orders

Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas

Winchester District Local Plan Review (July 2006)

6. APPENDICES: Map



Tree Schedule
 2117 G1
 4 Field Maple
 6 Hornbeam
 2 Yew
 2 Bech
 2 Norway Maple
 2 Elm

A1 Area

G1 Group

W1 Woodland

T1 Tree

TOWN AND COUNTRY PLANNING ACT 1990
 Section 198 - 201

Tree Preservation Order No. 2117

Location:

Elizabeth Court
 Chilbolton Avenue
 Winchester

OS Grid: 4630

Scale: 1:1,000 @ A4

Date: 27th June 2014



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 City Council

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