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REPORT

For Head of Development Services

Title: TREE PRESERVATION ORDER 304 – Land North of Centurion Close, Roman Road, Salisbury.

Purpose of Report:

Written objections to the order having been received the decision whether to confirm [with or without modification] the Order or not, is placed before the committee for their consideration.

Background:

The area of land on which the TPO'd trees are located is situated between the properties on the northern side of Centurion Close, the rear of both Hollygrove and Rockbourne House, Roman Road, the rear of No's: 32, 34 & 36 Empire Road and 1A Coronation Road.

A previous Order [TPO 293] had been made on four of the trees on this site on the 12th March 2003. This order was confirmed with modification on 11th Sep 2003, the modified order covered only three of the original trees due to problems with accurate identification of the fourth [*there being no Arboricultural Officer in post at that time*].

Following letters and telephone calls from concerned residents about the removal of one of the trees from the TPO a site visit was carried out in mid November 2003. Following that visit it was decided that the fourth tree should be re-included and that an additional three trees [2 Oak & 1 Beech – T5, 6 & 7] should be included in the Order [Appendix A]. After consultation with the legal department it was concluded that the best course of action was to revoke TPO 293 and make a new Order covering the original trees and including the additional ones. That Order [TPO304] was made on the 16th Dec 2003 and is due for confirmation on or before 15th June 2004.

Objection

A written objection to the new Order was received from Sarum Architects, on behalf of the owners of the land, on the 29th January 2004.

The objection is based upon the following.

1. Most of the trees do not constitute a public amenity since they are not visible from the road.
2. None of the trees is an exceptional specimen, has historical or rarity value.

3. The listing of trees 6 and 7 [Oak & Beech] effectively prevents development of a valuable and scarce housing site within the housing policy boundary.

Comments to Objections

- All of the trees are visible, to some extent, from public places including Centurion Close and Empire Road. The smaller trees i.e. the 2 Oaks and the Beech are young trees and have significant long-term growth potential.
- The criteria for assessing a tree's suitability for protection is not based upon its historical interest, rarity, condition, or on its visibility, although these and other factors are to be considered. Neither does 'public amenity' or 'amenity value' refer solely to the trees visibility, but rather amenity refers to 'all benefits that accrue', as defined by the Oxford English dictionary. This includes those factors mentioned above but also others, including the trees contribution to the landscape [both present and in the future], screening, etc
- A TPO in itself is not necessarily a disbar to development. Should a development proposal that required the removal of any tree covered by TPO be approved, that permitted development would take precedent over the TPO.

Planning History

S/2003/1463 application to build a single family dwelling - refused on 5th Sep 2003.

Background Papers

1. Part VIII of the Town & Country Planning Act 1990.
2. Town & Country Planning (Trees) Regulations 1999.
3. Salisbury District Local Plan.

Options for Members Consideration

The provisional order expires on the 15th June 2004 and members have the following options.

1. Confirm the Order without modification – [the Order remains as it is currently]
2. Confirm the Order with modification – [add or remove additional trees. The written objection received refers mainly to trees 6 and 7]
3. Not to confirm the Order – [removes all statutory protection from the trees]

Conclusion

- Option 3 is not realistic in that it removes all statutory protection from the main trees on this site.

- Option 2 would maintain protection to some of the trees, primarily the older ones.
- Option 1 provides statutory protection to the main trees on this site i.e. those that are significant at this time, plus a number of younger trees already in place as replacements for older trees that have a limited remaining useful life expectancy. [Additionally, should any of these be removed to facilitate any future approved development the council will have additional scope in securing suitable and sustainable replacements].

Recommendations

Option 1 - Confirm the Order without modification. [This recommendation is in accordance with SDC Local Plan [June 2003] Policy G1 and CN17].

Implications

- Financial - None
- Legal - None
- Human Rights – None
- Personnel - None
- Community Safety - None
- Environmental Implications - Maintaining and enhancing the built environment.
- Council's Core Values – Being environmentally conscientious.