

Development Control
Salisbury District Council, 61 Wyndham Road,
Salisbury, Wiltshire SP1 3AH

officer to contact: Russell Horsey
direct line: 01722 434398
email: rhorseyr@salisbury.gov.uk
web: www.salisbury.gov.uk

Report

Report subject: Tree Preservation Order 343, Pear Tree Cottage, Hanging Langford, Salisbury

Report to: Northern Area Committee

Date: 20 October 2005

Author: Russell Horsey

Purpose of Report:

This item is before members because an objection has been received to the imposition of Tree Preservation Order 343.

Background:

Pear Tree Cottage is a property set on a large plot of land on which planning permission has recently been granted to build a new dwelling (S/2005/1638).

As a result of an application to fell the two ash tree (S/2005/0015), a site visit was undertaken by the Councils Arboriculturalist. These trees are significant in respect of the plot and as seen from the Wylde Road. The trees also form an important landmark as you drive through the village and contribute to the leafy character of the area. A tree preservation order was served on the trees in order that they continued to be retained and to retain the amenity they provided.

Objection:

There has been one objection to the order from Mr Armstrong, The Mallards, Wylde Road on the following grounds:-

1. I live on the plot adjacent to the tree and did not get notification or visit regarding the proposed felling. The blue council planning notice was placed on a post on the other side of the road and did not appear to be part of the main planning application.
2. This is a very large and healthy specimen in my opinion could prove to be a health and safety issue due to it's very close proximity to the side of the road and also neighbours properties.



Awarded in:
Housing Services
Waste and Recycling Services



3. Debris from the branches frequently fall on my drive during high winds and overhanging branches are hit by high sided vehicles that travel down Wylve Road and falling parts of branches could hit people passing by.
4. Vehicles parked near the tree get covered in a sticky substance that comes off the leaves and proves difficult to remove.
5. I do not think that the tree is in the conservation area of Hanging Langford and we are fortunate to have numerous other examples of Ash trees located in more suitable locations (not road side but in fields).
6. I am led to believe that from a Parish Council representative that they had no objections to the removal of the tree and that view was also supported by local residents. As a result of the SDC grant of £517,573.59 that was partly awarded for the co-operation of the parish council's in providing a local perspective to any development proposal according to Cllr Margaret Peach, I am therefore surprised that their views were not supported in this matter.

Comments to objection

1. The Council does not usually put up notices of works to trees in Conservation Areas but in this instance a notice was posted. This was an application in its own right and as such was not part of the planning application to build the new dwelling on the property. The Council do not have a legal obligation to notify neighbours of works to trees within a conservation area unless the tree is in the ownership of the neighbour, the council do however notify the parish council, as well as advertising applications in the local press.
2. There are many examples of large trees close to the road throughout the District, County and the Country. Whilst some are in the ownership of Local Authorities the vast majority are in private ownership. It is up to the owners of any tree to look after their tree(s) and maintain them in a healthy state. Assuming that owners look after their trees they should not become a health and safety issue. If at any future point the trees did become a health and safety issue both Wiltshire County Council as the Highways Authority and the District Council under the Miscellaneous Provisions Act have the power to ensure that the trees are made safe.
3. A recent planning permission (S/2005/988) to allow lower branches to be removed was granted which should alleviate issues of vehicles hitting the tree, and also lower branches striking passers by, deadwood was also removed from the tree. This work was subsequently carried out on 14th October 2005.
4. The sticky substance is excreted by aphids who suck on the trees sap from the tree leaves, whilst this substance can be of annoyance it can be removed using hot soapy water. It is not felt that this reason in itself would warrant not serving the TPO on the trees.
5. The tree was situated within the conservation area, and whilst there are other larger trees within fields, the fact that these trees are located in such a prominent location within the village increases the public amenity they provide and also their importance.
6. No formal comments were received from the Parish Council on this application. The District Council have a statutory duty to protect trees under the Town and Country Planning Act 1990 and as such must weight up all correspondence of all parties as well as the amenity value of any tree when looking to serve a tree preservation order. In this instance it was felt that the trees justified a TPO.

Conclusion:

The trees are clearly visible from a public point of view, and afford significant visual amenity as well as contributing to the leafy character of the area. There was an expedient threat to the tree and it is therefore worthy of a tree preservation order.

Options for consideration:

Members should decide whether to confirm that order to make it permanent

Members therefore have the following options:

- a) **Confirm the order** Tree Preservation order 343
- b) **Not confirm the order** Tree Preservation order 343, with the effect that the trees will not be protected.

Costs None

Recommendations:

That tree Preservation Order 343 be confirmed without modification.

Background Papers:

None

Other Representations:-

None received

Implications:

- **Financial:** None
- **Legal:** In Report
- **Human Rights**

Article 1 – Protocol – Protection of property – There is a minor interference but this is justified and proportionate in view of the public amenity value of the tree

- **Personnel:** None
- **Community Safety:** None

Environmental implications: To seek to preserve and enhance the environment.