

Southern Area Committee

8th June 2004

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REPORT

Tree Preservation Order 305. 32 Greenacres, Downton. SP5 3NG

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:

A planning application [S/2003/2404] to construct a garage amongst this group of trees would, if approved, have resulted in either the loss of, or destabilisation of most of the trees in this location, which would have safety implications to members of the public and property as well as the loss of visual amenity to the area. Although this application was refused, the applicant indicated their intention to appeal that decision.

This resulted in an assessment of the trees suitability for protection being carried out, resulting in an order being made on the 4th February 2004. This order is due for confirmation on or before 3rd August 2004.

Objections

Written objections to this Order were received from both neighbouring properties, but not the owners of the land or any other person.

1. An objection from 34 Greenacres based upon the following.
 - 1.1. The age of the trees i.e. not being old enough.
 - 1.2. The trees are nothing special, just a couple of firs.
2. An objection from 13 Wick Lane based upon the following.
 - 2.1 The proximity of the trees to the bungalow in that they are oppressive, restrict light and branches are in close proximity to the roof and walls.

Comments to Objections

1. The criteria for assessing a trees suitability for protection is not based solely upon the age or species of the tree, but includes other factors such as the tree(s) contribution to the landscape both [present and in the future], screening, wildlife habitat etc. Of equal importance in this assessment process is 'expediency', i.e. are the trees threatened, or likely to be. Many trees fall into the category of being suitable for protection, however

TPO's are not applied, as it is not, or would not be expedient to do so. In this instance, there is enough of a threat to the trees to warrant a TPO.

2. All of the concerns expressed about the trees are valid, however they existed before the trees were given statutory protection and a TPO does not restrict work being carried out [providing an application is made prior to any works commencing and the local authority has approved those works]. At the time of the assessment I was mindful of the affects the trees in this area would have on this property and it's occupants and deliberately omitted a number of other trees that might otherwise have been considered for inclusion in the order, only considering those whose loss would have a significant and detrimental effect on the locality.

Planning History

S/2003/1660 – application for a two-storey side extension – approved with conditions 29-10-03
S/2003/2404 – proposed garage – refused 12-11-03

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 3rd August 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]
3. Not to confirm the Order – [removes all statutory protection from the trees]

Conclusion

- Option 3 removes all statutory protection from the main trees in this area.
- Option 2 would maintain protection to some of the trees.
- Option 1 provides statutory protection to the main trees in this location.

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.