

Agenda Item 8

Development Services
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Report

Report subject: Tree Preservation Order (TPO) 386, Land adjacent to Riverside, Fovant

Report to: Western Area Committee

Date: 6th March 2007

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Purpose of Report:

This item is before Members to consider TPO386 which has been the subject of an objection.

Background:

TPO386 was made on the 5th January 2007 to protect an Ash tree on land adjacent to Riverside Cottage, Fovant.

The tree was considered worthy of protection because of its prominence in the Conservation Area and because of a perceived threat to its well-being.

Objection:

An objection has been received which raises the following points:

There is no valid reason for a TPO because the application to carry out works on the tree, which is in a Conservation Area, was approved.

No application has been made to develop the site and it is situated outside of Salisbury District Councils Housing Policy Boundary, so development is not a justifiable threat to the tree.

The tree is already protected by its position within a Conservation Area. Notice is required before any further works can be carried out on the tree, so a TPO is not necessary at this stage.



Awarded in:
Housing Services
Waste and Recycling Services



Comments on objection:

The objections are all valid – see conclusion.

Conclusion:

An application was received in February 2006 to carry out works on various trees close to Riverside Cottage, High Street, Fovant.

The council raised no objection to most of the proposed works but it was felt the pruning of the Ash tree would be detrimental to its health, and that the tree was worthy of protection.

Consequently, the Officer responsible for the case instigated a TPO (no. 373) and wrote to the applicant advising them that the Council had no objection to the remainder of the work.

Unfortunately, two errors were made at this time. Firstly, the tree was plotted incorrectly on the TPO and was shown to be in the garden of Riverside Cottage, instead of on land adjoining the garden. Secondly, the letter sent to the applicant to advise them there was no objection to the remainder of the work being carried out, failed to exclude the Ash tree that was the subject of the new TPO.

After receiving this letter the applicant instructed a tree surgeon to carry out the works in line with his original request, and the Ash tree was pruned accordingly.

The TPO was subsequently served and the error regarding the positioning of the tree on the plan was noticed.

The TPO could not be modified because the ownership of the tree had been misidentified, so instead, it was not confirmed and was remade as TPO386.

The statement of reasons for TPO386 states:

'An application has previously been received to carry out works on this tree which is considered to have high amenity value because of its position in the village of Fovant.

This is a large tree, which is in good health and is clearly visible from the High Street. The tree forms part of the foliated character of the local area and its loss or damage to it would detract from the amenity it provides'.

It is now apparent that the works referred to have already been completed in line with the approval of the Trees in a Conservation Area application. As such, the TPO is open to challenge and therefore should not be confirmed.

Options for consideration:

Members should decide whether or not to confirm the order and have the following options:

- a) **Confirm Tree Preservation order 386**
- b) **Not confirm Tree Preservation order 386**

Recommendations:

That Tree Preservation Order 386 should not be confirmed. The tree will continue to be covered by the protection provided by the Conservation Area.