

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 17 December 2014

Report of: Director of Planning and Development

Subject: TREE PRESERVATION ORDER No 700 – 35 RANVILLES LANE,
TITCHFIELD.

SUMMARY

The report details an objection to a provisional order made in October 2014 and provides officer comment on the points raised.

RECOMMENDATION

That Tree Preservation Order 700 is not confirmed.

BACKGROUND

1. Section 197 of The Town and Country Planning Act 1990 places a duty on local planning authorities when granting planning permission to include appropriate provision for the preservation and planting of trees.

It shall be the duty of the local planning authority -

- (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and
 - (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.
2. Section 198 gives local planning authorities the power to make tree preservation orders [TPOs].

(1) If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.

3. Fareham Borough Council Tree Strategy 2012 - 2017.

Policy TP7 - Protect significant trees not under Council ownership through the making of Tree Preservation Orders.

Policy TP8 - Where necessary protect private trees of high amenity value with Tree Preservation Orders.

4. TPO 700 was served on the 3 October 2014 to protect two sycamore trees that appeared to be under threat of removal.

INTRODUCTION

5. On the 3 October a provisional order was served in respect of 2 sycamore trees situated in the front garden of 35 Ranvilles Lane.

OBJECTIONS

6. Under Regulation 6 of the Town and Country Planning (Trees) Regulations 2012 one objection has been received from the owner of 35 Ranvilles Lane on the following grounds:

- The trees are growing on a mound of soil, which is much higher than the surrounding ground and road level.
- The two trees need to be removed to facilitate the construction of a new access, driveway and boundary wall to the property.
- The trees were scheduled for removal on the 20 September, but this was postponed due to other commitments on the site.
- The root system of both trees has been badly damaged by preparatory excavations, particularly T2, which has several significant roots that have been cut.

- This damaged was only caused because the trees were to be removed and would not remain in this state for long.

No other objections have been received to the making of the order.

COMMENT

7. The tree officer has now met with the property owner and undertaken a more detailed inspection of the root plate of both trees than was possible at the time the order was made. The ground level around the base of both trees has been reduced, using machines, by up to a metre within 2 metres of the main stem. Numerous roots have been damaged and several significant roots, approximately 100mm in diameter, have been severed completely.
8. It is difficult to assess with certainty the implications of this damage in terms of the health and stability of the trees having not witnessed it first-hand. Neither tree appeared to be so destabilised as to render them dangerous. However, the tree officer is of the opinion that the damage is significant enough to impair the future health and stability of the two trees and therefore considers they are not worthy of protection as a result.
9. Tree preservation orders seek to protect trees in the interest of public amenity; therefore it follows that the removal of a protected tree should only be sanctioned where its public amenity value is outweighed by other considerations. In this instance Officers consider that regrettably the damage to the trees' root system is significant and could adversely affect their health and stability.

RISK ASSESSMENT

10. The Council will not be exposed to any risk by not confirming TPO 700. Only where an application is made for consent to work on trees subject to a TPO and subsequently refused does the question of compensation payable by the Council arise.

CONCLUSION

11. Having assessed the damage to the root system of both sycamore trees they are not considered worthy of ongoing protection.
12. Officers therefore recommend that Tree Preservation Order 700 is not confirmed.

Background Papers: TPO 700.

Reference Papers: National Planning Policy Framework: Planning Practice Guidance - Tree Preservation Orders (2014), Fareham Borough Council Tree Strategy 2012 – 2017 and The Law of Trees, Forests and Hedges (second edition) – *Charles Mynors*.

Enquiries:

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