

PART 1 - PUBLIC

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Decision Maker: Plans Sub Committee no.2

Date: 18th August 2011

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **OBJECTIONS TO TREE PRESERVATION ORDER 2405 AT ST MARYS CHURCH, ST MARYS AVENUE, SHORTLANDS**

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Chief Officer: Bob McQuillan - Chief Planner

Ward: Shortlands

1. Reason for report

To consider objections that have been made in respect of the making of a tree preservation order.

2. **RECOMMENDATION(S)**

The Chief Planner advises that the trees makes an important contribution to the visual amenity of this part of the Shortlands conservation area and that the order should be confirmed.

3. COMMENTARY

3.1. This order was made on 24th March 2011 and relates to a area of trees to the east of the Church hall and to the west of 1 St Marys Avenue, Shortlands. An objection has been made by arboricultural consultants acting for insurers of 1 St Marys Avenue.

2. They have objected to the making of the order on the basis that the reasons for making the order have not been explained and the Council has not provided any evidence or assessed the amenity value of the tree, they are implicated in alleged subsidence of the adjoining property and the fact that the designation of an area order has been used.

3. The order was made following a six weeks notice of intention submitted by the arboricultural consultants for the felling of two groups of trees, one group of 12 stems of ash and oak and a second group including goat willow, cherry and hawthorn. The notice sent to the Council was a follow up to an earlier notification which had referred to one oak and one ash. The property at 1 St Marys Avenue has suffered some structural movement and this is described as being within the Building Research Establishment category 3 (moderate damage) and was considered to be due to clay shrinkage subsidence. It was considered that vegetation growing within the grounds of St Marys Church was a contributory factor. Roots were found in the borehole to a depth of 2.9 metres and were identified as oak with some being too immature to identify. The Council therefore considers that no evidence has been shown to link the damage to any tree other than oak.

4. The value of the trees to the conservation area was assessed – the Church and its grounds is at the entrance to the Shortlands Road conservation area from St Marys Avenue. The conservation area is characterised by large Victorian houses set amongst mature trees. St Marys Church dates from 1953 and provides a strong termination beyond the triangular intersection with Kingswood Road which features the centrally positioned War Memorial cross. The church and memorial make particularly important contributions to the =urban form and sense of locality. The grounds to the east of the Church provide an informal break between the 1930s houses in St Marys Avenue and the Church and Church Hall and the trees help to give a natural setting to the architecturally simple 1950s buildings, It is for these reasons that the trees have been protected. There has been no use of the various methods of assessment that exist because of the obvious amenity value of the trees due to their location.

5. In respect of the use of an area order – it is accepted that the trees are individually of limited merit and their value is collective. However they could not be described as a woodland and it is accepted that it may be more appropriate to describe the trees as a group.

6. A site meeting has taken place with the arboricultural consultant and Canon Miller. It was unclear as to which trees it was proposed to fell and whether this would resolve the subsidence problem. The consultants have confirmed that they are not withdrawing their objections.

3. POLICY IMPLICATIONS

This report is in accordance with Policy NE6 of the Council's adopted Unitary Development Plan

4. FINANCIAL IMPLICATIONS

None

5. LEGAL IMPLICATIONS

If not confirmed the order will expire on 24th September 2011.

6. PERSONNEL IMPLICATIONS

None

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| Non-Applicable Sections: | Financial and Personnel implications. |
| Background Documents: (Access via Contact Officer) | |