

PLANNING DEVELOPMENT CONTROL COMMITTEE

21 April 2011

CONFIRMATION OF TREE PRESERVATION ORDER 2024 – Copperfield, Lanham Lane, Winchester

REPORT OF THE HEAD OF LANDSCAPE AND OPEN SPACES

Contact Officer : Andrew Giles (Tel 01962 848 428) [agiles@winchester.gov.uk](mailto:agiles@winchester.gov.uk)

RECENT REFERENCES

None

EXECUTIVE SUMMARY:

To consider the confirmation of Tree Preservation Order 2024, to which one objection has been raised.

RECOMMENDATION:

That, having taken into consideration the representations received, Tree Preservation Order 2024 be confirmed.

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##### DETAIL:

#### 1. TPO 2024 – Copperfield, Lanham Lane, Winchester

- 1.1 Winchester City Council was approached about potential development on the site. An area TPO was made on 27 April 2010 as the council believed the site contained significant trees. (TPO 2002).

Following an objection and discussion with the owner, TPO 2002 was allowed to lapse. Subsequently, an emergency TPO was made on 17 November 2010 to protect the visually important group of trees at the front and the rear of the property.

- 1.2 The grounds for making the order were that these are: *“significant trees that contribute to the visual amenity of the area.”*

##### Formal Objections

- 1.3 One letter of objection has been received from the land owner:

- 1.4 This objection is summarised as:

- **Grounds for making the order:**  
The trees which are covered by the order have been considered by the arboriculturalist in previous surveys to be of poor quality, limited useful life expectancy, and were not considered to add to the visual amenity of the area.
- **Quality of the tree and suitability for inclusion within the TPO:**  
Whilst BS5837 and the TPO legislation are not formally aligned, it is generally accepted that A and B category trees are those which may be worthy of a TPO. Category C trees are deemed to be of low quality and value and should not be retained in isolation but only as part of a group of better quality A and B trees. They will not usually be retained where they pose a significant constraint on development. All three groups have been classed as category C
- **Amenity assessment**  
TEMPO is an industry recognised tool for assessing trees in terms of suitability. Trees within the three areas are as previously discussed generally of poor quality, structure and stature, and all the conifers have been topped.

- **The need for statutory tree protection**

I have lived at the property for 26 years and have looked after the garden, trees and hedges throughout that time. Privacy is important to myself and my family so the hedges around the property are valued by us, our privacy has been reduced by the arboricultural work which has been carried out on neighbouring properties. It is our intention to maintain as much privacy to our own property as we can reasonably achieve.

- **Expediency**

Section 3.4 of Tree Preservation Orders: a guide to the law and good practices states that “although a tree may merit protection on amenity grounds it may not be expedient to make it the subject to a TPO”. I believe that TPO 2024 of 2010 is not expedient for the following reasons:

- The trees on the land do not meet the stated reasons for serving the TPO as they do not contribute to the character and amenity of the area, this function is served by trees on adjoining land.
- The trees have been graded C by an independent arboriculturalist and are of poor specimens which require frequent work for reasons of safety electricity supply and light amenity
- There is at best only a perceived threat to the trees.

#### Support for the TPO

- 1.5 There has been no written support in relation to this TPO

#### Officer Comments

- 1.6 The tree has been assessed using the Tree Evaluation Method for Tree Preservation Orders (TEMPO) and the visual observations of the arboricultural officer. TEMPO is a nationally recognised tool for assessing trees for suitability for TPO and is recommended for use by the Winchester City Council Tree Strategy – consultation draft. It is based on five factors: Amenity assessment, Retention Span, Relative public visibility and suitability for TPO, other factors and expediency assessment.
- 1.7 The tree scored highly given its condition and suitability, retention span, public visibility and expediency assessment and on the decision guide under part 3 of the assessment it states for the score it received of 13/25: ‘TPO Defensible.’
- 1.8 In response to the objections, the Arboricultural Officer has observed that:
- This is a well used minor road, the frontages of the properties are tree lined and the gardens at the rear of the properties are screened by trees.
  - A full planning application had been received from the applicants to remove all the trees within the garden, and though the trees had

been scored a C in the report, however this should have been higher due to the screening contribution these trees make.

- For the TEMPO assessment I have assessed the condition as Fair, in the guide it states:

*Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse.*

- The statutory protection is necessary due to the contribution the trees make to screen the new builds if the planning application is approved.
- In general terms, making a Tree Preservation Order does not prevent works being carried out to a tree – it provides a mechanism for controlling future works, preventing felling and securing a replacement should felling be necessary.
- In the St Barnabas West Neighbourhood Design Statement it states:

**16.** *The character of the area has several dimensions. Its semi-rural atmosphere is derived from the number and variety of trees and other plants which support many wildlife species. The tree- and hedge-lined roads in one part of the neighbourhood and open plan frontages of the Teg Down estate are essential parts of the character of the area.*

***Landscape Setting : Design Guidelines***

*(with references to Local Plan Policies and government guidance)*

*1. Existing roadside features such as trees, hedges, banks, verges or open plan frontages which contribute to local distinctiveness, character and landscape of the area should be retained, maintained and improved if necessary. DP.3(ii), DP.4(iii), W.1, PPG3, PPS9*

- 1.9 The Arboricultural Officer is happy to meet with the owner and/or his consultant to discuss a way forward which would be agreeable to all parties and has offered to provide guidance on submitting a formal application for works to the TPO trees if required.

OTHER CONSIDERATIONS:

2. SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):

The confirmation of this Tree Preservation Order will contribute to the High Quality Environment outcome of the Sustainable Community Strategy.

3. RESOURCE IMPLICATIONS:

There are no financial implications for the City Council.

4. RISK MANAGEMENT ISSUES

There are no risk management issues for the City Council.

BACKGROUND DOCUMENTS:

TPO 2024 – Copperfield, Lanham Lane, Winchester

Winchester City Council Tree Strategy consultation draft 2007. Policy TPO 1

Tree Evaluation Method for Preservation Orders (TEMPO)

Tree Preservation Orders: a guide to the law and good practice

Winchester District Local Plan Review (July 2006)

St Barnabas West Neighbourhood Design Statement

APPENDICES:

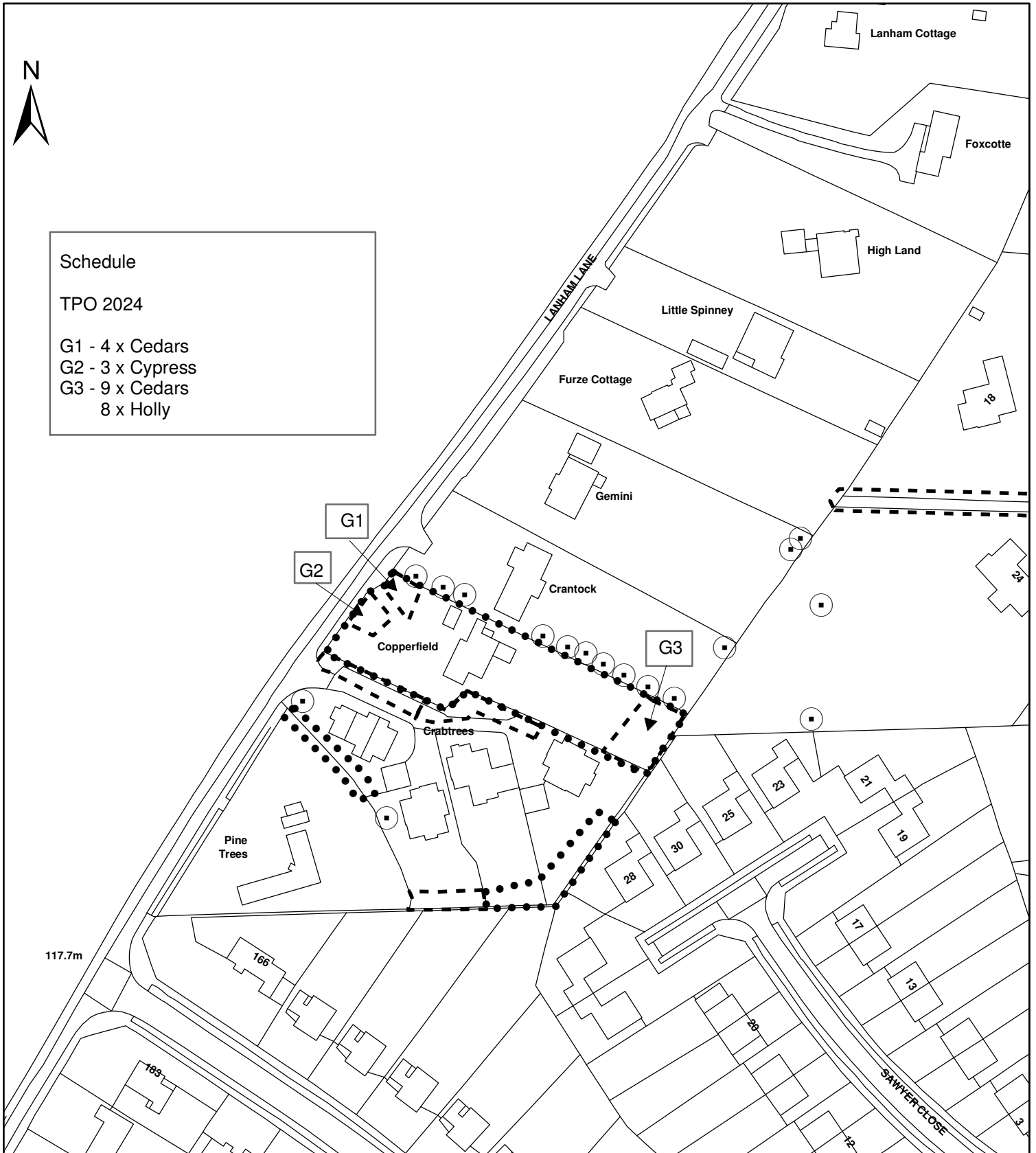
Map



Schedule

TPO 2024

- G1 - 4 x Cedars
- G2 - 3 x Cypress
- G3 - 9 x Cedars  
8 x Holly



⋯ A1 ⋯ Area

**TOWN AND COUNTRY PLANNING ACT 1990**  
Section 198 - 201



# Winchester

City Council

⋯ G1 ⋯ Group

**Tree Preservation Order No. 2024**

W1 Woodland

Location: **Copperfield  
Lanham Lane  
Winchester  
SO22 5JS**

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Winchester City Council  
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T1 Tree

OS Grid: 4530 Scale: 1:1,250@ A4 Date: 8/10/2010