

PDC708  
FOR DECISION  
ST MICHAEL'S WARD

PLANNING DEVELOPMENT CONTROL COMMITTEE

23 August 2007

CONFIRMATION OF TREE PRESERVATION ORDER 1902, LAND ADJACENT TO  
KERRFIELD, MELBURY LODGE AND SLEEPERS HILL

REPORT OF DIRECTOR OF DEVELOPMENT

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

To consider the confirmation of Tree Preservation Order (TPO) 1902 "Land adjacent to Kerrfield, Melbury Lodge and Sleepers Hill," which was served on 17 May 2007. If the order is not confirmed before 17 November 2007 the TPO will expire.

RECOMMENDATIONS:

1. That, having taken into account the representations received TPO 1902 be confirmed with an amendment to the south western boundary.
2. If Members are minded to confirm TPO 1902, that TPO 1893 be revoked.

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DETAIL:

1. TPO 1902, Land adjacent to Kerrfield, Melbury Lodge & Sleepers Hill.
  - 1.1. A provisional TPO (1902) was served on 17<sup>th</sup> May 2007 to protect an area described as "mixed woodland" in a suburban area close to the city centre. Part of this area is the subject of development proposals. This order was served on all owners, occupiers and agents of land covered by the order, and on other properties adjacent to the land covered by the order.
  - 1.2. The grounds for making the order were that; "this woodland provides important tree cover and is of high amenity value, being visible from high ground to the north and east. It significantly contributes to the setting of the city of Winchester and to the leafy character of the local area as well as the city. It could also provide a valuable wildlife habitat. Whilst the woodland has not been actively managed it is regenerating. There is the threat of development within a large section of the woodland which would destroy its integrity as a woodland unit."
2. TPO History
  - 2.1. 21/03/1951 – TPO 20 was confirmed. It covers part of the woodland.
  - 2.2. 27/08/1971 - TPO 506 was made on Kerrfield and Sleepers Hill. It covers part of the woodland
  - 2.3. 26/02/1988 - Planning Application W/808/34 - Permission was refused due in part to loss of amenity and particularly trees and woodland.
  - 2.4. 25/01/1989 - Appeal refused on the basis of the significance of the woodland to the City and on the importance of regeneration to fragile woodland.
  - 2.5. 28/08/2005 - Woodland TPO 1883 was served to protect the whole woodland area from development pressure.
  - 2.6. 7/11/2006 -TPO 1883 revoked due to omissions in the notification procedure and Woodland TPO 1893 issued to cover that same area, as a consequence of the submission of an application for planning permission [06/02786/FUL] which required the felling of trees.
  - 2.7. 04/05/2007- TPO 1893 Confirmed as modified to exclude the area at development risk except that part covered by TPO 506.

2.8. 17/05/2007- TPO 1902 issued to cover all the woodland area as initially intended in November 2006 and by TPO1883 with some modification around garden land.

3. Representations relating to TPO 1902

3.1. Four letters of objection have been received and 13 letters of support and one of support with a request for a minor amendment to a garden boundary, to accurately reflect the boundary of the woodland in this location.

3.2. There have been objections which are in Appendix A to this report and summarised below. They are on the grounds that:

3.3. The City Council have not carried out any surveys on the land

3.4. The developer's survey shows that there are no trees of any merit on the land and management is needed.

3.5. The woodland can only be seen from private houses and gardens and there are no worthwhile public views, nor any public access to the site.

3.6. There is no important wildlife habitat nor is there any flora or fauna of interest. The woods do not receive bright sunlight to enable the growth of flora where the canopy is dense.

3.7. The woodland does not add to the character of the area.

3.8. The provisional order was made, following representations from local residents, who did so to prevent development of the site.

4. Officer Comments on Above Representations

4.1. There is no requirement for a detailed survey to be undertaken for the purpose of protecting woodland with a TPO.

4.2. However, in line with TPO Policy, as set out in the adopted WCC Tree Strategy, the land has been visited by City Council Officers. As advised the Tree Evaluation Method for Preservation Orders (TEMPO) was used, to assess the appropriateness of the woodland for applying a TPO before TPO1883 was served. This exercise was checked prior to serving TPO1902 and the same result was obtained. The score, using this method was 21 so there was clear justification for a TPO to be made. Any score of 15+ definitely merits a TPO. A copy of this form is on the file.

4.3. Under legislation and guidance there is no requirement, within a woodland order, for individual trees to be of merit. The purpose of a woodland TPO is to safeguard the woodland as a whole, which depends upon regeneration or new planting. As recommended the Council sought and received support from the Forestry Commission in serving this order. Their response is at Appendix B

- 4.4. A woodland TPO does not prevent good management including the felling of dead dying or dangerous trees or for thinning to allow trees to develop into good specimens.
- 4.5. The woodland is clearly visible from vantage points such as St Giles Hill, St Catherine's Hill and the Cathedral Tower, as well as from buildings closer to the site including the upper floors of the hospital, which must provide an important visual amenity for patients and staff. The Sleepers Hill Local Area Design Statement acknowledges the importance of local and distant views to this area, including the woodland adjacent to Melbury Lodge.
- 4.6. The woodland is important for wildlife at a local level and, whilst it may not be rich in species, many common species including deer and foxes are present and it does support bird life and invertebrates such as stag beetles, which are a protected species. All animal life contributes to biodiversity. It is usual for woods to be shady but when trees fall or are felled flora regenerates as part of the woodland cycle. The issue of wildlife habitat is not the deciding factor, when making a TPO, but it can be taken into consideration and contribute to the reason for making that TPO. Hampshire Biodiversity Information Centre supports the need to retain areas of local importance for wildlife habitat. Their response is at Appendix C
- 4.7. The character of the area is of a leafy suburban area, which is absorbed into the landscape by the tree cover, when viewed from beyond. The woodland does significantly contribute to this.
- 4.8. There was further review and inspection by Officers and the Forestry Commission. Local residents are usually those involved in submitting representations and have a right to do so as part of the democratic process. It is for the Council to decide on the outcome based on the facts before them.

## 5. Conclusion

- 5.1. This woodland is important for amenity and the whole unit should be kept intact. Woodland orders protect tree cover of all sizes including ongoing regeneration, as it is particularly important that small fragile woodlands should not be fragmented, as they will become unsustainable and ultimately disappear. This area is important to the people of Winchester, not just those who live next to it.
- 5.2. To allow this area to be destroyed, for whatever purpose, would undermine the special character of Winchester and its landscape setting and for that reason the confirmation of TPO1902 with a minor amendment is entirely appropriate.

## OTHER CONSIDERATIONS:

### 6. CORPORATE STRATEGY (RELEVANCE TO):

the City Council will

- a) Encourage biodiversity

- b) Improve air quality in Winchester town centre (tree cover helps with this)
- c) Ensure that the historic environment of the District is preserved and enhanced

thus safeguarding our high quality environment for the future by protecting important trees within the district and the character and setting of the City of Winchester

7. RESOURCE IMPLICATIONS:  
None.

8. BACKGROUND DOCUMENTS:  
TPO Files – 1883, 1893, 1902

9. APPENDICES:

- A Letters of objection
- B E'mail from the Forestry Commission
- C E'mail from Hampshire Biodiversity Information Centre