

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER 2180 -
LAND AT FELL HOUSE WHITESHUTE LANE WINCHESTER

PLANNING COMMITTEE

12 JANUARY 2017

PORTFOLIO HOLDER: COUNCILLOR VICTORIA WESTON, DEPUTY LEADER
AND PORTFOLIO HOLDER FOR BUILT ENVIRONMENT

REPORT OF HEAD OF DEVELOPMENT MANAGEMENT

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WARD(S): ST MICHAEL

PURPOSE

To consider confirmation of Tree Preservation Order 2180 to which 2 letters of objection, and 3 letters of support has been received.

RECOMMENDATIONS:

1. That having taken into consideration the representations received, Tree Preservation Order 2180 be confirmed.

IMPLICATIONS:**1 COMMUNITY STRATEGY OUTCOME**

- 1.1 The confirmation of this Tree Preservation Order will contribute to the High Quality Environment outcome of the Community Strategy by maintaining the environmental quality and character of the area.

2 FINANCIAL IMPLICATIONS

- 2.1 There are no financial implications for the City Council, an appeal against the Councils refusal for the tree works application has not been lodged and compensation is only payable where sufficient evidence has been provided by the applicant to support the application.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 None

4 WORKFORCE IMPLICATIONS

- 4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None

6 CONSULTATION AND EQUALITY IMPACT ASSESSMENT

- 6.1 There have been two letters in objection and three letters in support of the TPO, which are summarised in the Report.

7 RISK MANAGEMENT

Risk	Mitigation	Opportunities
<i>Property N/A</i>		
<i>Community Support N/A</i>		
<i>Timescales N/A</i>		
<i>Project capacity N/A</i>		
<i>Financial / VfM N/A</i>		
<i>Legal N/A</i>		
<i>Innovation N/A</i>		
<i>Reputation N/A</i>		
<i>Other None</i>		

8 SUPPORTING INFORMATION:

8.1 This matter comes to Planning Committee because two letters of objection and three letters of support have been received.

8.2 The Council received notification from a local Arboricultural contractor that he had been instructed to fell 2 Sycamore trees within the group of trees that is located to the front of the site next to Whiteshute Lane.

8.3 The Arboricultural Officer visited the site on 11 August 2016 and a provisional Tree Preservation Order was served on 16 August 2016, which will expire on 11 February 2017 unless it is confirmed.

8.4 The Council received a tree works application on 25 August 2016 to fell two of the Sycamore within the group of trees. The application was refused on 20 October 2016 (Application 16/02190/TPO refers).

Summary of Objection letters

8.5 Objection to protection of Trees T5 & T6 as there is concern that these trees will damage the garages, and it is not necessary to preserve these trees as they add no value in protecting the frontage and they make any value to this land as amenity worthless.

Summary of Support Letters

8.6 The amenity value of the trees to the local environment is quite considerable given that this group of trees are alongside the Clarendon Way.

8.7 The trees provide a welcome green and wildlife habitat to the neighbouring property, and the resident of this property was alarmed that there was a threat to clear the group of trees

8.8 A Quote from a letter of support for the TPO:

“I am, therefore, very supportive of a Tree Preservation Order but regard the proposal as too limited in nature. It is the copse as a whole which contributes to the amenity and character of the area. It includes several native deciduous trees of varying age. It is a valued feature of the local area; a haven for wildlife, especially birds; serves, particularly in summer, as an acoustic barrier for Fell House in relation to sound from the railway; and yields blackberries for the occupants of Fell House. In order to preserve the character of the amenity and area, the copse as an entity requires protection”.

8.9 The trees in this copse do contribute greatly to the amenity and character of the area of Whiteshute Lane, which is one of Winchester’s ancient routes.

Arboricultural Officer's Response:

8.10 The group of Sycamores are large mature specimens that are located on the front boundary of the property and are a significant feature in the local landscape and a prominent feature in the street scene of Whiteshute Lane.

8.11 The trees are at the top of elevated ground and have long distance views from Mead Road. The trees are in full public view from the Highway to the front of the property and are clearly visible from all four cardinal points of the compass to surrounding properties, giving the group of trees high amenity value.

8.12 The trees appear to be of reasonable health and have good vitality and shoot extensions for trees of this age class, with an even distribution of active twig and bud formation through out their canopies, demonstrating that the trees have sufficient energy levels to continue their biological functions for many years to come. At the time of inspection no obvious fungal decay pathogens were noted on the trees.

8.13 The group of trees are within keeping of their countryside surroundings and contribute towards the landscape setting of the conservation area.

8.14 Within one of the letters of support, the supporter states that the TPO is too limited in nature and requests that the lower vegetation and scrub is protected from clearance. TPO legislation is only applicable to trees and cannot be used to protect lower vegetation and scrub.

8.15 No information has been supplied by an appropriate qualified expert to support the allegation from the objectors that T5 & T6 are causing structural damage to the garage block.

8.16 Tree works application 16/02190/TPO was refused as it failed to fully justify the removal of two mature Sycamore trees on sound arboricultural grounds and the associated loss of amenity value that the trees contribute to the local landscape. The proposed removal of the two trees would have created holes in the canopy of the group that would be visible from the long distance views of the trees and thereby have a noticeable detrimental effect on the amenity value the trees currently provide. In addition, the trees were incorrectly labelled within the tree works application and did not accord to the TPO map. Correct identification and location of the trees within the tree works application is a requirement within the TPO legislation in order to make the application valid.

8.17 The Secretary of State's view is in general terms it follows the higher amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted.

8.18 A Tree Evaluation Method For Preservation Orders (TEMPO) has given the trees a score of 17, which categorises the TPO as definitely merits a TPO.

9 OTHER OPTIONS CONSIDERED AND REJECTED

9.1 N/A

BACKGROUND DOCUMENTS:-

Tree works application 16/02190/TPO.

Winchester District Local Plan Part 1 (March 2013).

Winchester District Local Plan Part 2 Development Management and site Allocations.

Planning Practice Guidance - Tree Preservation Orders and trees in conservation areas.

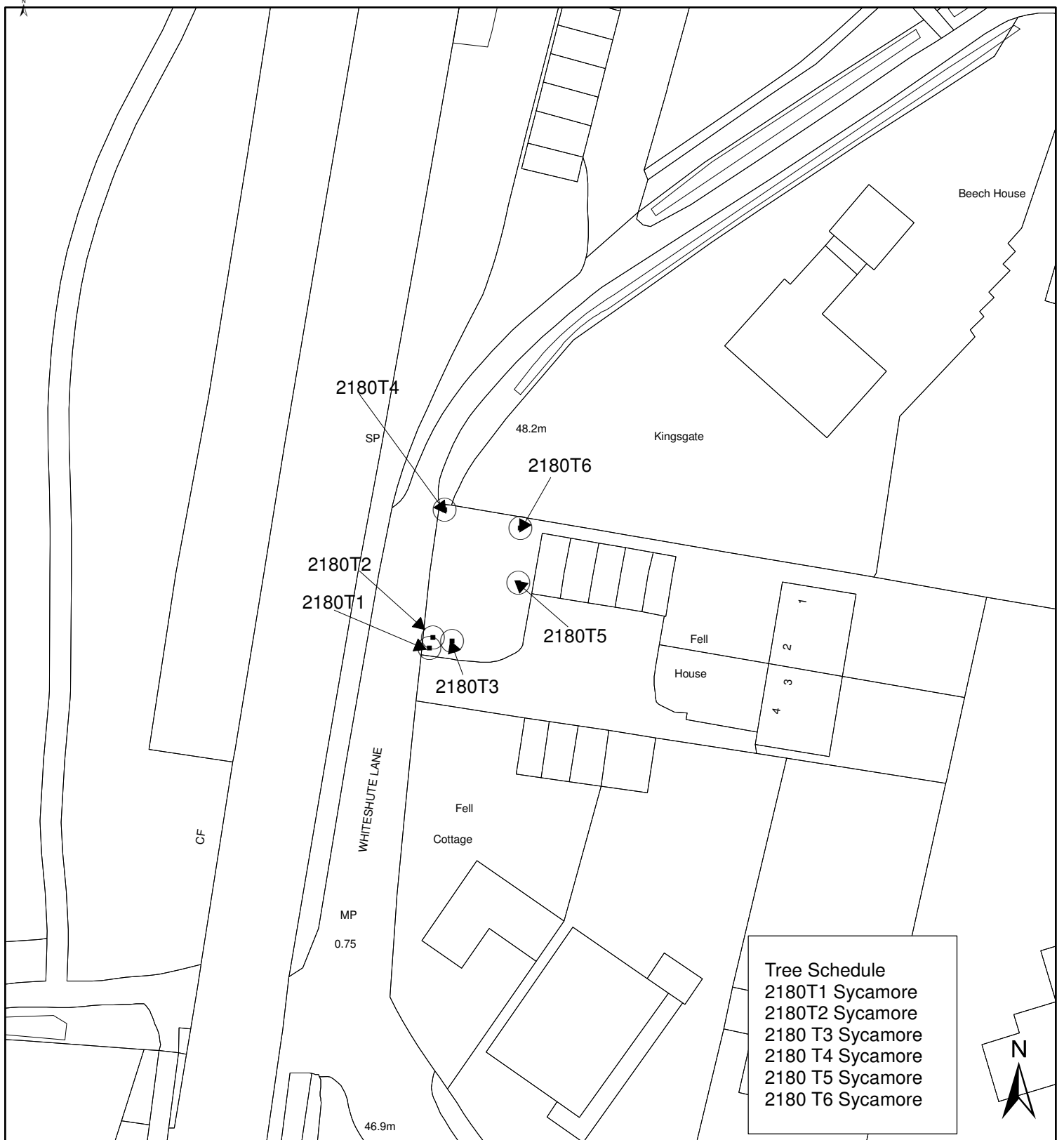
Tree Evaluation Method For Preservation Orders - TEMPO.

Other Background Documents:-

None.

APPENDICES:

Appendix 1– Map of the site



A1 Area

G1 Group

W1 Woodland

T1 Tree

OS Grid:

Scale: 1:500 @ A4

Date : 11th August 2016

TOWN AND COUNTRY PLANNING ACT 1990
Section 198 - 201

Tree Preservation Order No. 2180

Location: Fell House
Whiteshute Lane
Winchester
Hants



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