

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER 2181 – 16
DEVER CLOSE, MICHELDEVER, WINCHESTER

9 MARCH 2017

PORTFOLIO HOLDER: Councillor Victoria Weston, Deputy Leader and Portfolio
Holder for Built Environment

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WARD: WONSTON AND MICHELDEVER

PURPOSE

To consider confirmation of Tree Preservation Order 2181 to which two letters of objection have been received.

RECOMMENDATIONS:

That having taken into consideration the representations received, Tree Preservation Order 2181 is confirmed.

IMPLICATIONS:**1 COUNCIL STRATEGY OUTCOME**

- 1.1 The confirmation of this Tree Preservation Order (TPO) will contribute to the High Quality Environment outcome of the Council 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 at this stage. Compensation is potentially payable where sufficient evidence has been provided by an applicant to support an application to carry out works to the protected tree and where that application is refused.

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 which are summarised and responded to in this 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 have been received.
- 8.2 The Council received notification that the landowner intended to fell one Sycamore tree located in the garden of 16 Dever Close, Micheldever.
- 8.3 The Arboricultural Officer visited the site on 2 September 2016 and a provisional Tree Preservation Order was made on 23 September 2016, and will expire on 22 March 2017 unless it is confirmed.
- 8.4 A tree works application to reduce the tree by 20% and remove 1 limb was previously refused in 2001 under ref no. 01/01270/TPO. The application was refused on the grounds that "the proposed works would be detrimental to the health of the tree and the amenity it offers to the area." The application was unnecessary since the tree was not at that time protected by a TPO and nor was it in a conservation area.

Summary of Objection letters

- 8.5 "Objection to protection of TPO 2181 T1 Sycamore as a Sycamore is a weed, and is not native to this country."
- 8.6 "The Sycamore has a very large fork in the trunk which needs addressing for the safety of the community and surrounding properties."
- 8.7 "The tree is overgrown and overshadows properties within Dever Close."
- 8.8 "It impacts on the land being developed in the future."
- 8.9 "The tree needs maintenance to preserve its current state."
- 8.10 "Winchester Housing Trust have no plans to develop in the area, but see it as a potential site for extending for the current owners if they so wish in the future."

9. Arboricultural Officer's Response:

- 9.1 The Planning Practice Guidance states that "Orders should be used to protect selected tree and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Authorities should be able to show that protection would bring a reasonable degree of public benefit in the present or future"
- 9.2 This tree is not within the Micheldever conservation area but serves a high amenity value to the area. Therefore this tree would benefit from the protection of a TPO.
- 9.3 The fact that this tree is non native does not have any relevance when considering suitability to make a TPO. The fact that it is not wanted in its

current location by the residents and the Housing Trust does not give sufficient justification for the provisional TPO not to be confirmed. The tree is significant in the landscape and provides important amenity value to the surrounding area, therefore sound arboricultural justification is required if substantial works are proposed to be carried out.

- 9.4 Inspection of the large fork at the trunk can be carried out irrespective of whether the TPO is confirmed or not.
- 9.5 The objector's statement that the tree is overgrown and overshadows the surrounding properties is insufficient to warrant the provisional TPO not being confirmed.
- 9.6 Development of the land, if it resulted in the loss of this tree, would be contrary to Policy DP4 of the Winchester District Local Plan Review (2006)
- 9.7 A TPO does not stop the tree from being maintained or work being carried out on it as long as the application to carry out the work is supported by sufficient justification for the works being carried out.
- 9.8 A Tree Evaluation Method for Preservation Orders (TEMPO) has given the trees a score of 16, which categorises the TPO in line with the TEMPO assessment method as "definitely meriting TPO". Trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise.

Condition & suitability for TPO	Fair/satisfactory	Suitable	3
Retention span (in years)	20 – 40	Suitable	2
Relative public visibility & suitability	Very large trees with some visibility, or prominent large trees	Suitable	5
Other factors	Trees with none of the above additional redeeming features	N/A	1
Expediency assessment	Immediate threat to tree	N/A	5
Total			16 – Definitely merits TPO

- 9.9 Reasonable works have been verbally agreed on site with the residents of 16 Dever Close. The agreed works would not require a formal arboricultural report to be commissioned and would not have a significant detrimental affect on the amenity value of the tree.
- 9.10 It was also observed on site, on 23 February 2017 that the north side of the canopy had a decreased bud, and small twig density as compared with the south side. It is unclear as to whether this is a sign of decline or the result of being over shadowed by the south facing limb. As stated above, the size reduction of the southern limb will increase the amount of light that is available to the northern side of the canopy. It is recommended that further assessment is made in the summer of 2017 and further monitoring of bud and small twig density on the northern side of the canopy is made after pruning every year for the next 2-3 years. Upon continued inspection by the owners and correspondence with the Council and/or arboricultural specialist a further decision can be made as to the ongoing life expectancy of this tree.
- 9.11 It is the officer recommendation that this TPO be confirmed.

10. OTHER OPTIONS CONSIDERED AND REJECTED

N/A

BACKGROUND DOCUMENTS:-

Tree works application case no. 01/01270/TPO .

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

Tree Evaluation Method For Preservation Orders - TEMPO.

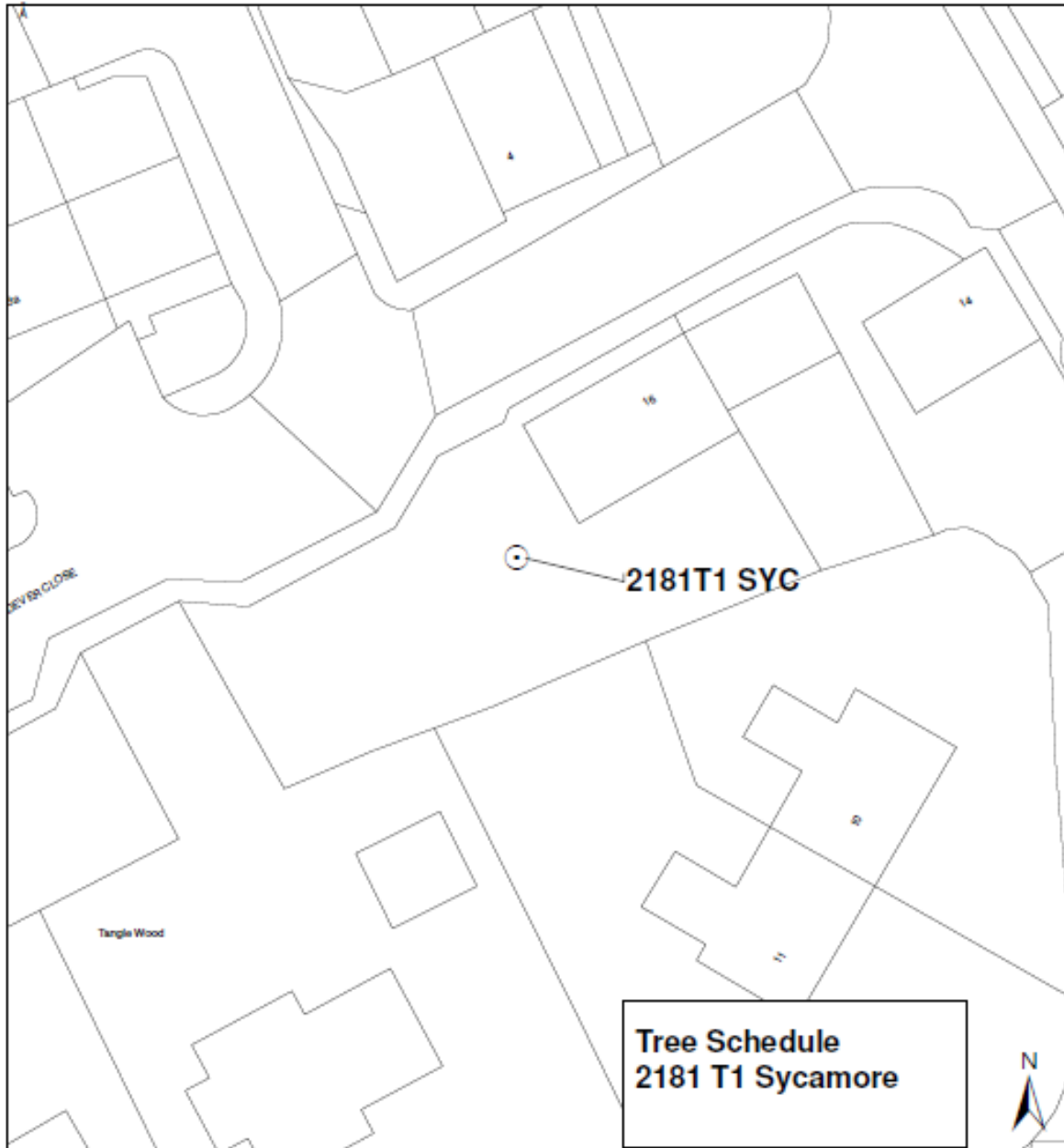
Other Background Documents:-

None.

APPENDICES:

Appendix 1 Map of the Site

Appendix 1



OS Grid

Scale: 1:500 @ A4

Date : 21st September 2016

TOWN AND COUNTRY PLANNING ACT 1990
Section 198 - 201

Tree Preservation Order No. 2181

Location:

16 Dever Close
Micheldever
SO21 3SR



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