

REPORT TITLE: CONFIRMATION OF TPO 2279 - 61 TOWER STREET,
WINCHESTER

19 NOVEMBER 2020

REPORT OF CABINET MEMBER: Councillor Jackie Porter, Cabinet Member for
Built Environment and Wellbeing

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WARD(S): ST BARTHOLOMEW

PURPOSE

To consider confirmation of Tree Preservation Order 2279 to which one letter of objection has been received.

RECOMMENDATIONS:

That having taken into consideration the representations received, Tree Preservation Order 2279 be confirmed.

IMPLICATIONS:1 COUNCIL PLAN OUTCOME

- 1.1 Tackling the Climate Emergency and Creating a Greener District.
- 1.2 The biological functions of the tree and its preservation will contribute towards the Council's objective to reduce the effects of global warming and carbon emissions.
- 1.3 Homes for all
- 1.4 N/A
- 1.5 Vibrant Local Economy
- 1.6 N/A
- 1.7 Living Well
- 1.8 Trees have a significant impact on our surroundings, the quality of our lives and where we live. They form an important and integral part of the countryside and in every town and village throughout the District. Trees support the natural beauty of our countryside and diversity of our natural wildlife.
- 1.9 Your Services, Your Voice
- 1.10 N/A

2 FINANCIAL IMPLICATIONS

- 2.1 There are no financial implications for the City Council at this stage. Compensation is potentially payable only 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 Not applicable.

6 CONSULTATION AND COMMUNICATION

6.1 On serving of the Tree Preservation Order (TPO), the landowner and immediate neighbours were notified and allowed 28 days to object.

6.2 One letter of objection was received to the TPO.

7 ENVIRONMENTAL CONSIDERATIONS

7.1 The confirmation of this TPO will contribute to the High Quality Environment outcome of the Community Strategy by maintaining the environmental quality and character of the area

8 EQUALITY IMPACT ASSESSEMENT

8.1 None

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None

10 RISK MANAGEMENT

10.1 None

Risk	Mitigation	Opportunities
<i>Property</i>	N/A	N/A
<i>Community Support</i>	N/A	N/A
<i>Timescales</i>	N/A	N/A
<i>Project capacity</i>	N/A	N/A
<i>Financial / VfM</i>	N/A	N/A
<i>Legal</i>	N/A	N/A
<i>Innovation</i>	N/A	N/A
<i>Reputation</i>	N/A	N/A
<i>Other</i>	N/A	N/A

11 SUPPORTING INFORMATION:

11.1 This matter comes to Planning Committee because one objection to the making of TPO 2279 has been received and has not been withdrawn.

11.2 TPO 2279 was made on 1 June 2020 (and served on 3 June 2020), because the Council received a Conservation Area notification (section 211 notice) that a Liquidambar tree that is located in the front garden of 61 Tower Street, Winchester was to be felled. If TPO 2279 is not confirmed, the TPO will expire on 30 November 2020.

- 11.3 The Liquidambar tree (T1) is in full public view from the public highway in Tower Street, giving high visual public amenity value.
- 11.4 The protection of the trees by a Tree Preservation Order is in accordance with Government guidance which states that “orders should be used to protect selected trees if their removal would have a significant negative impact on the local environment and its enjoyment by the public.” The proposed removal of the Liquidambar tree would have a significant negative impact on the local environment and its enjoyment by the public.
- 11.5 There are no arboricultural reasons or justification provided for the felling of any tree at this property, there is no history of tree failure and no reports of structural damage being caused to the dwelling or neighbouring properties

12. OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 The Council received one letter of objection to the making of TPO 2279.

13. SUMMARY OF OBJECTION

- 13.1 The front garden amenity space is dominated by the tree rendering it unusable for the family.
- 13.2 The tree’s roots are causing damage by lifting paving slabs which are a hazard.
- 13.3 An adjoining neighbouring property have previously removed a similar sized tree.
- 13.4 The other properties on the terrace have clear front gardens.
- 13.5 The tree is not native.

14. ARBORICULTURAL OFFICERS RESPONSE

- 14.1 The Liquidambar (T1) is a maturing specimen of good health and vitality. The tree is a significant feature in the local landscape. The tree is a specimen tree that is in full public view from the public highway in Tower Street, giving the tree high visual public amenity value.
- 14.2 No arboricultural or technical reasons have been provided for the felling of the tree, and there is no history of branch failure.
- 14.3 The Secretary of State’s view is that the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works would have on amenity, the stronger the reasons needed before consent is granted.
- 14.4 Some minor crown lifting over the garden and cutting back of the tree growth from the dwelling may create space and light to make the garden more useable.

- 14.5 The use of a porous surface for the front garden such as tiger mulch, wood bark, bonded resin or gravel would be an alternative to paving slabs
- 14.6 The removal of a neighbouring tree was allowed as it was poor specimen of poor health and structure with low visual public amenity value, and was unworthy of protection by a Tree Preservation Order. The removal of that tree does not set a precedent for the removal of healthy trees.
- 14.7 Government guidance allows local Councils to place Tree Preservation Orders on native or non-native tree species as long as the criteria laid down for their protection is in accordance with the guidance provided by the Secretary of State.
- 14.8 A Tree Evaluation Method for Tree Preservation Orders (Tempo) was undertaken and the Liquidambar (T1) scored a total of 19 points which means that the tree merits a TPO.

BACKGROUND DOCUMENTS:-

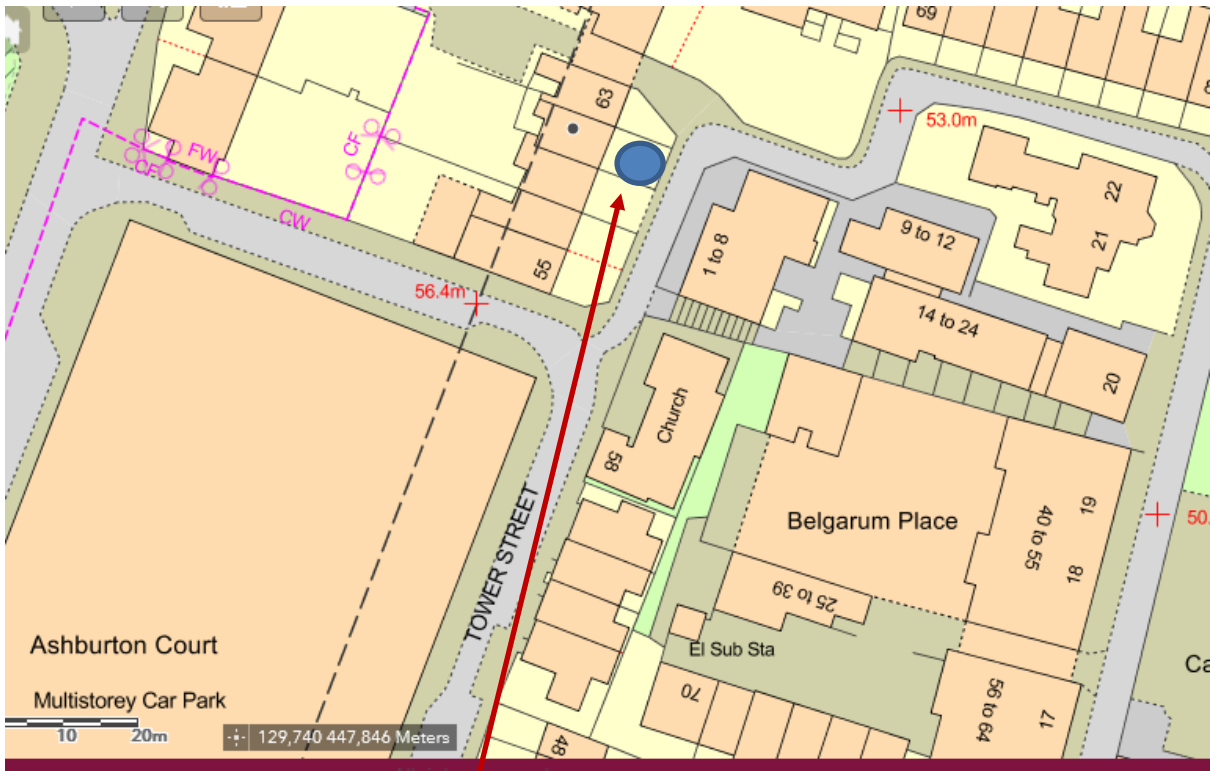
Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas.

Tree Evaluation Method for Preservation Orders- (TEMPO)

APPENDICES:

Appendix 1 – Map

Appendix 1 Map.



Location of Liquidambar Tree (T1).