

REPORT TITLE: CONFIRMATION OF TPO 2281 - LAND AT FALLOWFIELDS,
COMPTON STREET, COMPTON

17 DECEMBER 2020

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

Contact Officer: Ivan Gurdler Tel No: 01962 848403. Email
igurdler@winchester.gov.uk

WARD(S): BADGER FARM & OLIVERS BATTERY

PURPOSE

To consider confirmation of Tree Preservation Order 2281 to which two letters of objection has been received.

RECOMMENDATIONS:

1. That having taken into consideration the representations received, Tree Preservation Order 2281 is confirmed.

IMPLICATIONS:

1 COUNCIL PLAN

- 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 None

6 CONSULTATION AND COMMUNICATION

6.1 On serving of the TPO, the landowner and immediate neighbours were notified and allowed 28 days to object.

6.2 At the time that TPO 2281 was served there was two letters of objection.

7 ENVIRONMENTAL CONSIDERATIONS

7.1 The confirmation of this Tree Preservation Order (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 ASSESSMENT

8.1 None

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None

9.2 RISK MANAGEMENT

9.3 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

10 SUPPORTING INFORMATION:

10.1 TPO 2281 was made on 8 July 2020, due to the Council receiving a Conservation Area notification (section 211 notice) that a walnut tree located in the rear garden of Fallow Fields, Compton Street, Compton was to be felled. If TPO 2281 is not confirmed, the TPO will expire on 07 January 2021.

10.2 The walnut tree (T1) is a mature specimen that can be viewed from the public highway and makes a contribution to the setting of the Conservation Area giving the tree high visual public amenity value.

- 10.3 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 walnut tree would have a significant negative impact on the local environment and its enjoyment by the public.
- 10.4 There are no sound arboricultural reasons or justification provided for the felling of the walnut 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

11 OTHER OPTIONS CONSIDERED AND REJECTED

- 11.1 The Council has received 2 letters of objection to making TPO 2281.

12 SUMMARY OF OBJECTIONS

- 12.1 The objectors are the tree owner and a neighbour. They both state that they do not consider the tree has visual public amenity value, and that the TPO should not be confirmed.
- 12.2 The neighbour states that the tree blocks out a significant amount of light from her garden and reduces her ability to enjoy her garden.
- 12.3 She states that the tree has a sparse canopy and appears to be stressed, and the tree’s structural condition will deteriorate over a period of time.
- 12.4 The neighbour is concerned about the spread of the roots and that branches may drop off the tree.
- 12.5 The owner claims that the tree is having a negative impact on her garden.
- 12.6 She says that a surface root has been damaged and the root may be decayed.

13 ARBORICULTURAL OFFICER’S RESPONSE

- 13.1 The walnut tree (T1) is a maturing specimen of reasonable health and vitality. The tree is located on elevated ground in the rear garden making the upper canopy of the tree more prominent in the local landscape. The tree can be viewed from the public highway in Compton Street giving it high visual public amenity value.
- 13.2 The Secretary of State’s advice is that the tree or parts of the tree must be visible from a public place for the tree to be suitable for the protection of a TPO. The location of T1 meets this requirement.

- 13.3 The tree is of reasonable health with an even distribution of active twig and bud formation throughout its canopy, demonstrating that the tree has a high dynamic mass ratio over a static mass ratio with sufficient energy levels to continue its biological functions for many years to come. This is evident by the high quality wood fibre in the reaction growth being laid down by the tree around its historic pruning wounds.
- 13.4 The tree is located in the rear garden of the property. The tree is not located near the neighbour's main dwelling or within striking distance of it. There are no reports of the tree causing structural damage and therefore there is no justification to fell the tree because of its root spread or because branches may break off the tree and damage the neighbour's property.
- 13.5 No evidence has been provided to show how the tree is having a negative impact on the owner's enjoyment of her garden.
- 13.6 The arboricultural report submitted (see appendix 2) by Plane Arboriculture as part of the grounds for objection to the confirmation of TPO 2281 states that there is decay within one surface root. There is no diagnostic information or evidence provided to ascertain the extent of the root damage or the remaining sound residual wall thickness of the root.
- 13.7 The submitted arboricultural report (appendix 2) also states that the lower stem was sounded with a nylon mallet which suggests that this decay is limited to the branch cone and does not extend up or down the parent stem/branch.
- 13.8 A Tree Evaluation Method for Tree Preservation Orders (Tempo) was undertaken and the walnut tree (T1) scored a total of 15 points- which means that the tree definitely merits a TPO.
- 13.9 Whilst it is recognised that T1 casts some shade on to the neighbour's garden - this is insufficient justification to fell the tree.
- 13.10 The felling of the tree would not be in accordance with the Council's objectives in regard to Tackling the Climate Emergency and Creating a Greener District
14. ADDITIONAL INFORMATION.
- 14.1 The owner of the tree has asked that the Plane Arboriculture Ltd report is submitted to the committee for consideration. This report is appendix 2.

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 2- Arboricultural Report by Plane Arboriculture.

Appendix 1

