

REPORT TITLE: CONFIRMATION OF TPO 2288 - COMBE FOLLY, CLIFF WAY ,
WINCHESTER.

25 FEBRUARY 2021

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

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WARD(S): BADGER FARM & OLIVER'S BATTERY

PURPOSE

To consider confirmation of Tree Preservation Order 2288 to which eleven letters of objection have been received.

RECOMMENDATIONS:

That having taken into consideration the representations received, Tree Preservation Order 2288 be confirmed.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

1.1 Tackling the Climate Emergency and Creating a Greener District

Mature trees such as this one, play a key role in helping to tackle the climate emergency and create a greener district. They directly remove carbon dioxide from the atmosphere and convert this to stored carbon. In addition they are important for biodiversity in both their own right and as a habitat for other species. Therefore, the preservation of this tree will contribute towards the Council's objective to reduce the effects of global warming and carbon emissions.

The climate crisis remains a significant, long term challenge to all of us in the coming years and decades, and there is a growing ecological crisis too. Winchester City Council has committed to tackle these crises and hand our district to our children and grandchildren in a better state than it is now.

1.2 Living Well

1.3 The Biodiversity Action Plan supports the priority of "Living Well" by helping to enhance the street view and open spaces by having a high amenity and aesthetic value, thereby supporting good mental and physical health for residents of all ages.

2 FINANCIAL IMPLICATIONS

2.1 None

3 LEGAL AND PROCUREMENT IMPLICATIONS

3.1 This report is in line with the council's legal procedures in relation to making and confirming TPO's.

4 WORKFORCE IMPLICATIONS

4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

5.1 None

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 Eleven letters of objection were received to the TPO.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 Mature trees such as this one, play a key role in helping to tackle the climate emergency and create a greener district. They directly remove carbon dioxide from the atmosphere and convert this to stored carbon. In addition they are important for biodiversity in both their own right and as a habitat for other species.

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 – If this TPO is not confirmed with the required time frame, the original order will no longer be valid</i>	Bring the confirmation of the order to Committee within the necessary time frame,	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 eleven objections to the making of TPO 2288 have been received and have not been withdrawn.
- 11.2 TPO 2288 was made on 18 November 2020 (and served on 19 November 2020), because the council received information from a member of the public that the two Western Red Cedar trees within G1 which are located in the rear garden of Combe Folly, Cliff Way Compton Down were under threat from development. If TPO 2288 is not confirmed, the TPO will expire on 17 May 2021.

- 11.3 The Western Red Cedars (G1) have good public visibility from a number of points on the highway in Cliff Way and can also be seen from Hurdle Way 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 potential removal of these two Western Red Cedar trees would have a significant negative impact on the local environment and its enjoyment by the public.
- 11.5 There are no arboricultural reasons nor justification provided for the felling of these two trees 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 eleven letters of objection to the making of TPO 2288.

13 SUMMARY OF OBJECTIONS

- 13.1 The two Western Red Cedars are non-native, so should not be protected.
- 13.2 These trees do not contribute to the visual amenity and arboreal character of the local area as they are not noticed from the road and there is low footfall.
- 13.3 These trees are too large for the locality and blocking out natural light.

14 ARBORICULTURAL OFFICERS RESPONSE

- 14.1 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.
- 14.2 In addition, non-native trees are important in the local landscape as they add to the diversity of species in the local area. Non-native trees are also becoming increasingly important for building up a resilience in the general tree population against pests and diseases which affect a number of native trees. This helps to retain a tree-lined landscape when native trees are lost within the tree population - as a result of these pests and diseases when they occur.

A Tree Evaluation Method for Tree Preservation Orders (Tempo) was undertaken and the Western Red Cedars (G1) scored a total of 16 points. This score meets the threshold of 16, meaning they definitely warrant a TPO. The trees have good visibility from a number of viewpoints on the public highway in Cliff Way and can also be seen from Hurdle Way, resulting in the trees providing high visual public amenity. These two Western Red Cedars make a significant contribution to the visual amenity and arboreal character of the

local area being prominent trees in the local landscape. They have good visibility from a number of viewpoints on the public highway in Cliff Way and can also be seen from Hurdle Way – giving the trees high visual public amenity.

- 14.3 With regard to the objectors' comments about footfall, there is no mention in the guidance about the number of people who must walk past a tree to calculate its amenity value. It is simply whether the tree is sufficiently visible in the public realm. Moreover, when on site carrying out the site visit which lasted less than an hour, 6 people walked past the trees.
- 14.4 On page 3, paragraph 5.1 of the arboricultural report provided, it states that "The two trees are, overall, in good condition with no current indications of defects or dysfunction". In the appraisal it is also estimated that these trees could survive for another 100 years or so and could reach a height of 30 metres. The good condition, life expectancy and future growth potential of these trees increases their suitability for a TPO and enhances their value in the landscape.
- 14.5 Tree works to manage these trees can still be applied for to the council. Applications for tree work will then be assessed on individual merit. Confirmation of this TPO does not prevent an application for work.
- 14.6 These trees will inevitably cause some shading to the garden due to being located to the south and also evergreen. However, they are sufficiently far enough from the property to not cause significant issues. In addition, the garden appears to be large enough to accommodate trees of this size.

BACKGROUND DOCUMENTS:-

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

Arboricultural Report

Tree Evaluation Method for Preservation Orders- (TEMPO)

APPENDICES:

Appendix 1 – Map

Appendix 1 – Map

