

REPORT TITLE: TPO 2289 – LANSDOWNE HOUSE 85 FAIRFIELD ROAD,
WINCHESTER, SO22 6SG.

24 MARCH 2021

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

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WARD(S): ST PAUL

PURPOSE

To consider confirmation of Tree Preservation Order 2289 to which one letter of objection has been received.

RECOMMENDATIONS:

That having taken into consideration the representation received, Tree Preservation Order 2289 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 both in their own right and as a habitat for other species. Therefore, the protection of this tree will contribute towards the Council's objective to reduce the effects of global warming and carbon emissions as well as supporting the Biodiversity Action Plan.

The climate crisis remains a significant, long term challenge in the coming years and decades, and there is a growing ecological crisis too. Winchester City Council has committed to tackle these emergencies and ensure the district is handed across to future generations in a better state than it is now. One way to achieve this is to safeguard trees identified as worthy of protection.

1.2 Homes for all

1.3 None

1.4 Vibrant Local Economy

1.5 None

1.6 Living Well

1.7 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.

1.8 Your Services, Your Voice

1.9 None

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 There are sufficient resources to respond to any works arising from the confirmation of this TPO.

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 One letter of objection was received to this 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 ASSESSMENT

8.1 None

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None

10 RISK MANAGEMENT

10.1 None

Risk	Mitigation	Opportunities
<i>Property</i>		
<i>Community Support</i>		
<i>Timescales</i>		
<i>Project capacity</i>		
<i>Financial / VfM</i>		
<i>Legal</i>		
<i>Innovation</i>		
<i>Reputation – the loss of reputation if the council fails to safeguard trees worthy of protection in light of the climate</i>	Officers to ensure they appropriately assess whether a tree is worthy of protection and provide clear evidence to	

<i>emergency and Biodiversity Action Plan</i>	Members to justify the decision using the TEMPO methodology.	
<i>Other</i>		

11 SUPPORTING INFORMATION:

- 11.1 This matter comes to Planning Committee because one objection to the making of TPO 2289 has been received and has not been withdrawn.
- 11.2 TPO 2289 was made on 7 December 2020 (and served on 9 December 2020), following receipt of a section 211 notice with a proposal to fell the Norway spruce (T1), which is located in the front garden of 85 Fairfield Road, Winchester. If TPO 2289 is not confirmed, the TPO will expire on 6 June 2021.
- 11.3 The Norway spruce (T1) is a prominent tree in the street scene and has good public visibility from a number of points on the highway in Fairfield Road and can be seen from some distance away at the standpoint of the junction with Cranworth Road. This tree can also be seen to the rear of the property in Conifer Way. It is the last remaining significant, mature tree in this road.
- 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 this Norway spruce 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 this 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.
- 11.6 The species of the tree is immaterial as to whether the tree is worthy of protection as this should be based on amenity value only. As stated in 11.3, this tree is of high amenity value.

12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 The council received one letter of objection to the making of TPO 2289.

13 SUMMARY OF OBJECTIONS

- 13.1 The objector states they were initially told that the tree was not protected by virtue of conservation area. The contractor later applied for tree works on the assumption that the tree was within a conservation area which was wrongly processed as a section 211 notice by the Council.
- 13.2 This tree was planted outside each year after being used as an indoor Christmas tree and was never intended as a decorative garden tree. Its

current height and future growth potential mean that it is too large for this garden.

- 13.3 The large size of this tree and its close proximity to buildings and other structures mean that management and maintenance of this tree will be more difficult to achieve without causing damage to boundaries or to neighbouring properties.
- 13.4 If the tree is allowed to grow to its full size, and were it then to fall – it could cause serious damage and injury. There are currently seven properties nearby which could be damaged if the tree were to fall.

14 ARBORICULTURAL OFFICERS RESPONSE

- 14.1 The tree contractors who applied for tree works did so in good faith, as they considered the tree to be protected by virtue of the Winchester Conservation Area. This error was not picked up by the council until after the application had been processed as a section 211 application. We have apologised to the owner for our error. However, the council has a responsibility to protect any tree considered to be of sufficient amenity value. Winchester City Council primarily only protects those trees considered to be under threat now or in the future. Therefore whilst these tree works came to the council's attention through an error, this tree is considered to have sufficient amenity value to require protection.
- 14.2 On receiving notice that this tree was to be felled, the tree was assessed using the Tree Evaluation Method for Tree Preservation Orders (TEMPO) and scored 17 points which means the tree "definitely merits a TPO.
- 14.3 The council is made aware of the potential loss of trees through a variety of methods and has a duty to respond when a known or perceived threat to a tree of high amenity value is identified. The protection of this tree 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 this Norway spruce would have a significant negative impact on the local environment and its enjoyment by the public.
- 14.4 This tree has grown to a significant height over a period of years making it an important, prominent landscape feature in what is a very urban street which has limited greenery and no other significant mature trees. These factors contribute to this tree having a good level of public visibility from all angles in Fairfield Road and the tree can also be seen from a significant distance along this road. The fact that the tree was not intended to be a decorative garden tree does not negate the fact that it is prominent in the landscape and its former use as a Christmas tree is not relevant when deciding if it is worthy of protection.

- 14.5 The tree is a good distance away from the main property and is located in the far corner of the garden. It will still be possible for pruning works to be applied for within reason. Competent tree surgeons who are appropriately qualified will be able to carry out any pruning works which are approved in a safe manner.
- 14.6 No arboricultural evidence has been provided which shows that the tree has a significant defect or dysfunction which would make it unsafe. If the owner is concerned about the condition of this tree they can arrange for the tree to be regularly inspected by an arboriculturalist with appropriate qualifications. The arboriculturalist can also provide management advice which can then be considered by the Tree Officer in any subsequent application.
- 15 It is important to note that the risk posed to life and property in the United Kingdom by a failing tree is an extremely rare event. To put this into context, the chance of being killed by a falling tree is approximately 1 in 10 million.

(https://www.hse.gov.uk/foi/internalops/sims/ag_food/010705.htm).

BACKGROUND DOCUMENTS:-

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

Building Survey Report

Tree Evaluation Method for Preservation Orders- (TEMPO)

APPENDICES:

Appendix 1 – Map

Appendix 1 Map

