

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER 2299 -
LAND AT THE OLD COURT HOUSE, MAIN ROAD HURSLEY AND LAND AT 84
MAIN ROAD, HURSLEY, SO21 2JY

29 SEPTEMBER 2021

REPORT OF CABINET MEMBER: COUNCILLOR RUSSELL GORDON-SMITH,
CABINET MEMBER FOR BUILT ENVIRONMENT

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WARD(S): BADGERS FARM & OLIVERS BATTERY

PURPOSE

To consider confirmation of Tree Preservation Order 2299 to which one letter of objection has been received.

RECOMMENDATIONS:

1. That having taken into consideration the representation received, Tree Preservation Order 2299 be confirmed.

IMPLICATIONS:

1 COUNCIL PLAN OUTCOME

- 1.1 Tackling the Climate Emergency and Creating a Greener District.
- 1.2 Trees represent an important environmental, economic and amenity resource within the built and natural environment. They are recognised within the England Forestry Strategy (1998), SW Regional Forestry Framework (2005) and national and regional Biodiversity Action Plans.
- 1.3 Mature trees such as these yew trees 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. Additionally, they are important for biodiversity both in their own right and as a habitat for other species. Therefore, the protection of these trees 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.
- 1.4 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.
- 1.5 Living Well
- 1.6 The protection of these trees supports the priority of "Living Well" by helping to enhance the street view and open spaces through their high amenity and aesthetic value, thereby supporting good mental and physical health for residents of all ages.

2 FINANCIAL IMPLICATIONS

- 2.1 There are no financial implications for the 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 a protected tree and where that application is refused.

3 LEGAL AND PROCUREMENT IMPLICATIONS

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

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 Trees contribute a key role in helping to tackle the climate emergency and creating a greener district. They not only directly remove carbon dioxide from the atmosphere and provide us with oxygen but also deliver many other benefits including:-

- Providing visual public amenity, softening or complementing the effect of the built environment
- Displaying seasonal changes and providing opportunities for biodiversity
- Making places more comfortable in noticeable ways by contributing to screening and shade, reducing wind speed and turbulence, reduce flooding by intercepting snow and rainfall, and reducing sun glare.

7.2 Trees are also a key element of the green infrastructure network, contributing to urban cooling and providing micro climate effects which help reduce energy demands on buildings. They therefore represent a key resource that can significantly contribute to climate change adaptation.

8 EQUALITY IMPACT ASSESSEMENT

8.1 None

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None

10 RISK MANAGEMENT

10.1 None

Risk	Mitigation	Opportunities
Financial Exposure	N/A	N/A
Exposure to challenge	The serving of the TPO is in accordance with the required legislation	The confirmation of this TPO is considered by the LPA planning committee.
Innovation	N/A	N/A
Reputation	The loss of reputation if the council fails to safeguard trees worthy of protection in light of the climate emergency and Biodiversity Action Plan	Officers to ensure they appropriately assess whether a tree is worthy of protection and provide clear evidence to members to justify the decision using the TEMPO methodology.
Achievement of outcome	N/A	N/A
Property	N/A	N/A
Community Support	N/A	N/A
Timescales	N/A	N/A
Project capacity	N/A	N/A
Other		

11 SUPPORTING INFORMATION:

- 11.1 This matter comes to Planning Committee because one objection to the making of TPO 2299 has been received and has not been withdrawn.
- 11.2 TPO 2299 was made on 29 April 2021 (and served on 29 April 2021), following receipt of a section 211 notice with a proposal to fell the two yew trees (G1), which are located in the rear gardens of 84 Main Road, Hursley and The Old Courthouse, Main Road, Hursley. If TPO 2299 is not confirmed, the TPO will expire on 28 October 2021.
- 11.3 The yew trees (G1) are prominent trees in the street scene with a high amenity value – having a good level of public visibility on the highway in Main Road and can also be clearly seen from different viewpoints in Collins Lane.
- 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 yew trees 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 these 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 one letter of objection to the making of TPO 2299.

13 SUMMARY OF OBJECTION

- 13.1 The trees do not contribute to the visual amenity and character of the conservation area as only the tops of the trees visible from very limited vantage points.
- 13.2 There are concerns about potential structural damage caused by the root system of these trees.
- 13.3 In a recent storm, branches fell from the trees which could have caused property damage, injury or death.
- 13.4 These trees drop copious amounts of berries and there are also bird droppings. This is a serious health concern as owners and neighbours both have children and pets.

14 ARBORICULTURAL OFFICERS RESPONSE

- 14.1 The trees are visible from a number of viewpoints in the village and are prominent in the local landscape – making an important contribution to the visual amenity and arboreal character of the local area. Government guidance states that suitable trees only need to be partially visible to be considered.
- 14.2 A Tree Evaluation Method for Preservation Orders (TEMPO) has been carried out to evaluate the suitability of the trees for a TPO. The trees scored a total of 17 points which signifies they ‘definitely merit’ protection by a TPO.
- 14.3 Whilst it is noted that there are concerns about structural damage – no damage has been noted at present. If the owners have concerns about structural damage they can arrange for an assessment to be made by an independent structural engineer. The TPO does not prohibit essential works to these trees and as long as the works are justified with sufficient arboricultural reasons and evidence – the application is more likely to be permitted.
- 14.4 No arboricultural evidence has been provided which shows that the trees have a significant defect or dysfunction which would make them unsafe. If the owners have concerns about the safety of these trees – they should seek independent advice from a suitably qualified arboricultural expert. Evidence that is provided by the expert would then be considered by the Tree Officer as part of any subsequent tree works application that is submitted.

- 14.5 In summary the trees are of sufficient amenity value to warrant protection. A section 211 notice was received for works which are considered to be inappropriate hence the need for protection. If there are health and safety concerns about the trees or the risk of damage to structures, sufficient evidence needs to be provided by an appropriate expert which can then be considered as part of a tree works application. No evidence has been provided in this regard.
- 14.6 The issues which have been described in relation to berries and bird droppings are not considered to be reasons for prohibiting the protection of these trees. The merits of protecting these trees should be based on amenity value only. As stated in 11.3, these trees are of high amenity value. Works to these trees can also be applied for which can then be considered by the Tree Officer.

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

