

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER 2306-
LAND AT BEAUFORT DRIVE, BISHOPS WALTHAM.

25 MAY 2022

REPORT OF CABINET MEMBER: CABINET MEMBER FOR BUILT ENVIRONMENT

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WARD(S): BISHOPS WALTHAM

PURPOSE

To confirm tree preservation order 2306 of which one letter of objection has been received.

RECOMMENDATIONS:

That having taken into consideration the representations received, Tree Preservation Order 2306 be confirmed.

IMPLICATIONS:**1 COUNCIL PLAN OUTCOME**

- 1.1 Tackling the Climate Emergency and Creating a Greener District
- 1.2 The benefits provided by trees are significant, not only as a valuable timber resource but also due to the social, environmental and economic benefits they provide within the built and natural environment. Their role in helping to regulate the climate is well documented. The value of trees is recognised within the England Trees Action Plan 2021-2024, national and regional Biodiversity Action Plans and the Winchester City Council Biodiversity Action Plan 2021.
- 1.3 Mature trees such as these trees at Beaufort Drive, 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 objectives of reducing 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 by producing a carbon neutrality action plan, biodiversity action plan and a tree management plan to ensure the district is handed across to future generations in a better condition than it is currently. One way to achieve the council's objectives as set out in these policies is to safeguard trees that are identified as worthy of protection.

2 LIVING WELL

- 2.1 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.

3 FINANCIAL IMPLICATIONS

- 3.1 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 a protected tree and where that applicant is refused.

4 LEGAL AND PROCUREMENT IMPLICATIONS

- 4.1 The Procedure for making a tree preservation order is set out in the Town and Country Planning (Tree Preservation) (England) Regulations 2012
- 4.2 A Tree Preservation Order comes into effect on the day that it is made, and once made, interested parties have a minimum of 28 days to make representations either supporting or objecting to the Order. A Local Planning Authority has six months in which to confirm the Order or to decide not to confirm it. An Order cannot be confirmed unless the LPA has considered duly made representations made in response to the Order
- 4.3 All proper legal processes have been followed with the landowners advised of the making of the provisional Orders and opportunity given for comments to be made (see above). A provisional TPO must be confirmed within 6 months from their making to retain effect. Any failure to confirm the orders within that time would mean they no longer have effect and any protection is lost
- 4.4 This report is in line with the council's legal procedures in relation to making and confirming TPO's.

5 WORKFORCE IMPLICATIONS

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

6 PROPERTY AND ASSET IMPLICATIONS

- 6.1 None

7 CONSULTATION AND COMMUNICATION

- 7.1 On serving of the Tree Preservation Order (TPO), the landowner and immediate neighbours were notified and allowed 28 days to object.
- 7.2 One letter of objection was received to this TPO.

8 ENVIRONMENTAL CONSIDERATIONS

- 8.1 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:-
- 8.2 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.
- 8.3 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

9 PUBLIC SECTOR EQUALITY DUTY

9.1 None

10 DATA PROTECTION IMPACT ASSESSMENT

10.1 None required

11 RISK

11.1 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 | N/A | N/A |

12 SUPPORTING INFORMATION:

- 12.1 In November 2021 the Principal Tree Officer received an email from a Winchester City Councillor stating that the open spaces land located at Beaufort Drive had been put up for sale at auction. The advertisement for the sale of the land showed a computer-generated image of new homes proposed to be located at the site.
- 12.2 On the 28th November the Principal tree officer received a second email from a council ward member informing him that the new owners of the open spaces off Beaufort Drive had divided the open spaces into smaller parcels of land and was offering them for sale to the local residents.
- 12.3 Amongst the parcels of land sold by auction at Beaufort Drive there are 3 open spaces of which have mature and semi mature trees growing on them.
- 12.4 All of the trees are in full public view from the public highway giving them high visual public amenity value.
- 12.5 Following the Principal Tree Officer's visit to Beaufort Drive, a Tree Preservation Order was made on 17th November 2021 and if not confirmed will expire on 18th June 2022.
- 12.6 A Tree Evaluation Method for Preservation Orders (TEMPO) has been carried out to evaluate the trees suitability for a TPO. The trees scored a total of 15 points which signifies that the 'TPO is defensible' to protect the trees.

13 OTHER OPTIONS CONSIDERED

13.1 SUMMARY OF OBJECTION

- 13.2 The open space in Waynflete Close is located to the rear of the objector's property. In her letter of objection, she states that:
 - a. this piece of land is too small for development;
 - b. the trees overhang her property;
 - c. structural damage by root disturbance will become more evident as time passes and the trees grow

- 13.3 Additionally the objector considers that the TPO will make future pruning of the trees problematic and will hinder her free access to prune the trees.

- 13.4 The objector also states that the closest tree is 3m from the end wall of her house.

14 ARBORICULTURAL OFFICERS RESPONSE.

- 14.1 The trees that TPO 2306 protects are located on the open spaces adjacent to Beaufort Drive include Denewulf Close, Waynflete Close, and Andrews

Close, Bishops Waltham. The open spaces have traditionally been maintained by WCC on behalf of the absent developer of the estate

- 14.2 The trees protected by TPO 2306 are mature trees that are in full public view from the public highway giving them high visual public amenity value. The trees are of reasonable health and normal vitality and are worthy of protection.
- 14.3 The new owner of the open spaces and adjoining land has offered the residents of the estate the opportunity to purchase individual parcels of land within the estate. It is unknown who has purchased land or what their future intentions are for the use of the land.
- 14.4 The confirmation of TPO 2306 will preserve the trees and their amenity value and will ensure that any new buyers of the individual land parcels are made aware of the TPO in the process of land conveyance.
- 14.5 In regard to the objectors comment that the piece of land to the rear of her property at No 1 Waynflete Close is too small for development. The area is of sufficient size for development
- 14.6 The TPO will not stop any future maintenance to the trees and would not be problematic to removing tree growth to abate structural damage to the property.
- 14.7 The trees to the rear of the objector's house are not within her ownership so she does not have free access to prune the trees.
- 14.8 The trees do not overhang the objector's property.
- 14.9 The distance between the tree and the end wall of the objector's house is 5.5m. The tree is a small to medium size tree. Between the tree and the end wall of the objector's house is a metalized surfaced footway, with concrete edgings. At the time of the Arboricultural officer's inspection of the trees and open space, no damage was evident to the footway caused by root disturbance.
- 14.10 The objector has not submitted any structural reports as evidence to support their claim that tree their property is being affected by the tree roots
- 14.11 The Secretary of State for Ministry of Housing, Communities & Local Government advice as laid down in the document- Tree Preservation Orders and trees in a conservation areas is: "*It may be expedient to make an order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an order. Authorities can also consider other sources of risks to trees with significant amenity*

value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make orders as a precaution".

15 **RECOMMENDATION**

15.1 That TPO 2306 is confirmed.

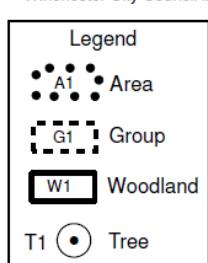
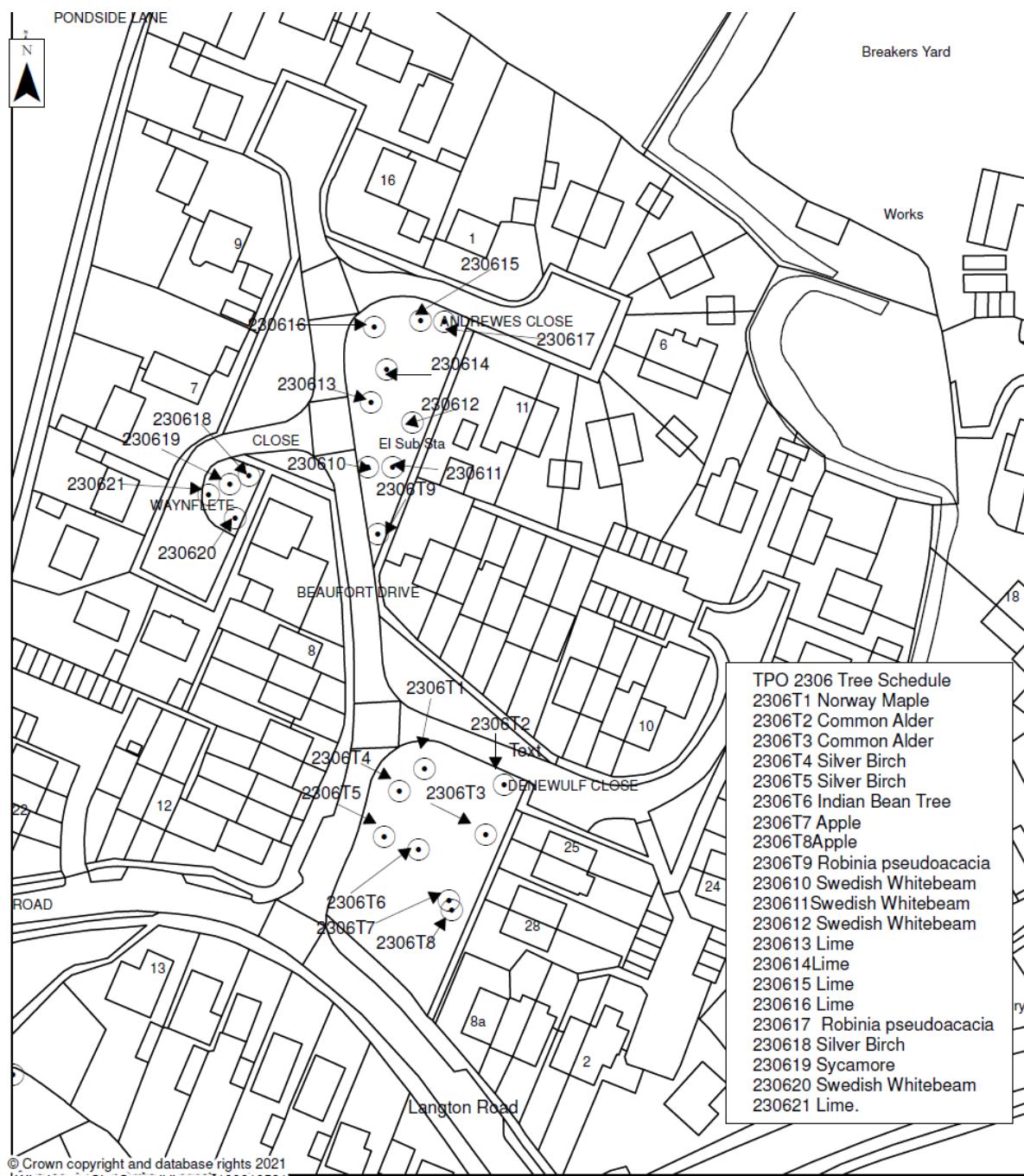
16 **BACKGROUND DOCUMENTS:-**

- a) Planning Practice Guidance – Tree Preservation Orders and trees in conservation areas.
- b) Tree Evaluation Method for Preservation Orders- (TEMPO)

Other Background Documents:-

APPENDICES

Appendix 1- Map.



TOWN AND COUNTRY PLANNING ACT 1990
Section 198 - 201

Tree Preservation Order No. 2306

Location: Land at Beaufort Drive
Bishops Waltham
Hampshire



Winchester City Council
City Offices
Colebrook Street
Winchester
Hampshire
SO23 9LJ

OS Grid: 428253

Scale @A4: 1:1,000

Date: 09/11/2021

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