

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER 2326 -
LAND AT DANESACRE, WORTHY ROAD, WINCHESTER

11 JANUARY 2023

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

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WARD(S): ST BARTHOLOMEW

PURPOSE

To consider confirmation of Tree Preservation Order 2326 to which two letters of objection have been received.

RECOMMENDATIONS:

That having taken into consideration the representations received, Tree Preservation Order 2326 be confirmed.

1 SUMMARY

- 1.1 The Winchester City Council tree officer was contacted informing him that Danesacre, Worthy Road, Winchester had been sold for development, and there were concerns that the trees on site would be felled or damaged.

The tree officer visited and assessed whether the trees on site were of sufficient amenity value and condition to merit protection. He considered that 10 trees met the criteria – 6 sycamore and 4 beech. TPO 2326 was therefore made and served on 23rd August 2022. The TPO will expire on 22nd February 2023 if not confirmed.

2 CONSULTATION

- 2.1 2 letters of objection were received – in summary:

- Only a limited number of trees have sufficient visibility to warrant a TPO
- The map incorrectly positions some of the trees
- The TPO prevents creation of a vehicle access from Lankhills Road, thus restricting development of the site.
- Removal of a single tree from the TPO would allow for reasonable development from Lankhills Road access without detriment to the remaining trees in the TPO.
- The site offers good potential for new tree planting in mitigation for any trees lost to development.
- The existing entrance to the property is unsuitable for development purposes. The current owners of the property state that the existing drive is steep and dangerous when frosty.

Arboricultural Officer's response:

- All trees included in the TPO are in full view from the public highway, either from Worthy Road or Lankhills Road.
- The trees are plotted in a logical and clear sequence making it simple to identify the location of the trees as shown on the TPO map. There is no requirement to accurately pinpoint each tree to its precise location.
- The TPO was served because the trees are under threat from development. The TPO was served to protect the trees' health and visual public amenity value that they currently provide to the local landscape including long distance views from across the opposite side of the city. The TPO was not served to prevent development of the site and does not prevent any future applications to develop the site.

- A. The trees along Lankhills Road have grown as a mature cohesive group supporting each other under wind loading. The proposed removal of 1 unprotected tree and 1 protected tree (T7) will create a hole in the continuous line of tree canopy cover along Lankhills Road and will expose the retained trees either side of the two removed to forces from wind loading they are unaccustomed to. This will increase the risk of tree failure or damage to T6 and T8 causing a detrimental effect on the group of trees visual public amenity value.
- B. Danesacre's garden is approximately 2m higher than Lankhills Road. The proposed construction of the access road through the line of trees would require the removal of a section bank that the trees are growing on. There is potential that this could undermine the stability of the adjacent trees either side of the new access.
- It is unclear as to the number of replacement trees that is proposed to plant in mitigation for the loss of the trees required to construct the access road from Lankhills Road. The proposed removal of mature trees and planting replacement small trees will have a negative effect on overall canopy cover by means of a net loss and a reduction in the contribution that the trees provide towards offsetting carbon emissions and global warming. It takes many years for newly planted trees to become carbon neutral.
- The existing entrance issues are not an arboricultural matter. This is an engineering matter that should be dealt with by a suitably qualified and experienced engineer.

3 ENVIRONMENTAL CONSIDERATIONS

- 3.1 Mature trees such as these, 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 help offset the effects of global warming.

4 PUBLIC SECTOR EQUALITY DUTY

None

5 RISK CONSIDERATIONS

- 5.1 The risk of legal challenge to the validity of the TPO is considered low as the TPO has been served in accordance with the relevant legislation and procedures. Compensation for refusal for works applied to the trees is mitigated by following correct procedures as laid down by the Secretary of state.

6 OTHER OPTIONS CONSIDERED AND REJECTED

- 6.1. Option 1: modify the order to reduce the number of trees to allow the creation of a new access off Lankhills Road. However, this will create a large hole in the continuous tree canopy and may undermine the structural integrity of T6 and T8. This will have a detrimental effect on the trees' visual public amenity value.
- 6.2. Option 2: Not to confirm. This would result in the trees being completely unprotected.

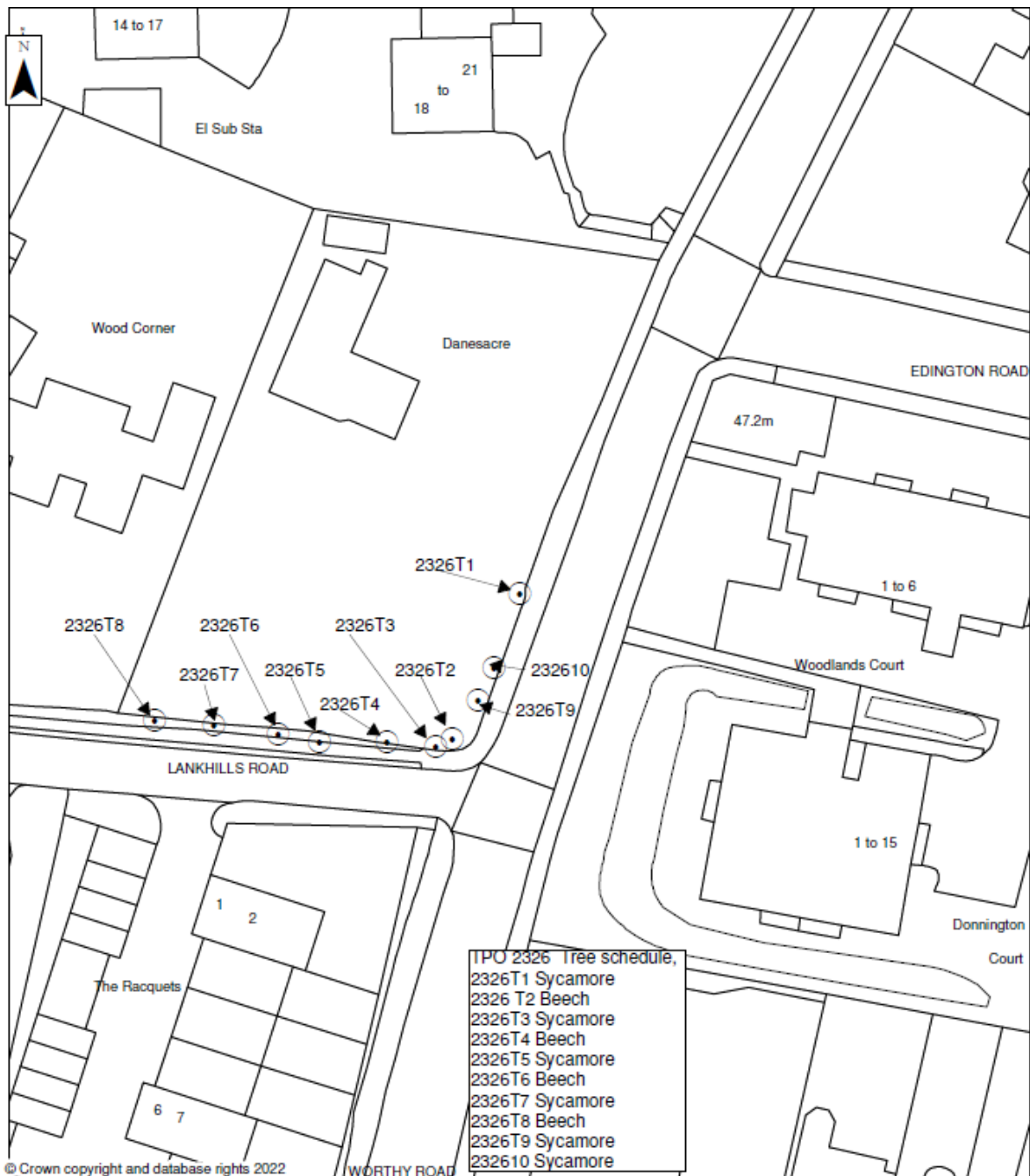
BACKGROUND DOCUMENTS: -

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

Winchester City Councils draft tree strategy

APPENDICES:

Appendix 1 – Map



TPO 2326 Tree schedule.	
2326T1	Sycamore
2326 T2	Beech
2326T3	Sycamore
2326T4	Beech
2326T5	Sycamore
2326T6	Beech
2326T7	Sycamore
2326T8	Beech
2326T9	Sycamore
232610	Sycamore

Legend

- A1 Area
- G1 Group

TOWN AND COUNTRY PLANNING ACT 1990
Section 198 - 201
Tree Preservation Order No. 2326

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