

PLANNING COMMITTEE PDC

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER, REF TPO 2345 - LAND OPPOSITE 93 OLD KENNELS LANE, WINCHESTER

MEETING DATE: 13 March 2024

REPORT OF CABINET MEMBER: Councillor Jackie Porter, Cabinet Member For Place And Local Plan

CONTACT OFFICER: John Bartlett Tel No: 01962 848360 Email: Jbartlett@Winchester.Gov.Uk

WARD(S): BADGERS FARM

PURPOSE

To consider confirmation of Tree Preservation Order 2345 to which one letter of objection has been received.

RECOMMENDATIONS:

That, having taken into consideration the representation received, Tree Preservation Order 2345 be confirmed.

1. SUMMARY

- 1.1. Information was received from a ward councillor that a group of two mature yew trees were under threat of being removed or reduced at the above mentioned location.
- 1.2. The WCC Tree Officer visited and assessed whether the trees were of sufficient amenity value and condition to merit protection. When assessing these trees, it was considered that these trees met the criteria for a new TPO. These two trees achieved a score of 19 points on the TEMPO assessment as a group which means that they merit protection from a Tree Preservation Order (TPO). Therefore, TPO 2345 was made and served on 25th October 2023. The TPO will expire on 24th April 2024.

2. CONSULTATION

2.1 One letter of objection was received from the owner of 93 Old Kennels Lane, in summary:

- The branches already growing over the bridleway (Miller Lane) and our property's hedge-line, are increasing in size and are already being brushed by the top of delivery vehicles.
- Damage caused by storms or being struck by a vehicle could result in injury to anyone using the bridleway should the branches subsequently fall.
- As the yews are dense evergreens, they have now grown so they partially overshadow both the solar arrays mounted on our garage roof (denial of green energy) and block light to the property during winter months.
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The Tree Officer's response:

- Tree works to ensure adequate highways clearance by way of crown lifting can be applied for and would be viewed as acceptable as a statutory requirement.
- No major defects have been noted on these two trees and no arboricultural evidence has been provided to suggest that these trees are a safety concern. If there are safety concerns – advice can be sought from an arboricultural consultant who can provide recommendations. Any recommendations can then be considered by the Council in a subsequent application.
- Having assessed these trees, they are viewed as providing adequate clearance to any vehicles which use this bridleway.

- In my professional opinion, the public visual amenity of these trees and the contribution they make to the rural character of the area outweigh the nuisance issues which have been reported.

3. ENVIRONMENTAL CONSIDERATIONS

- 3.1 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. These trees are also highly likely to be occupied by bats.

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 made and 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. If the provisional TPO is not confirmed, it will expire on 24th April 2024. The trees will then be left vulnerable to being removed. The removal of these tree will have a negative impact on the visual amenity and rural character of the area.

BACKGROUND DOCUMENTS:-

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

Website:- <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

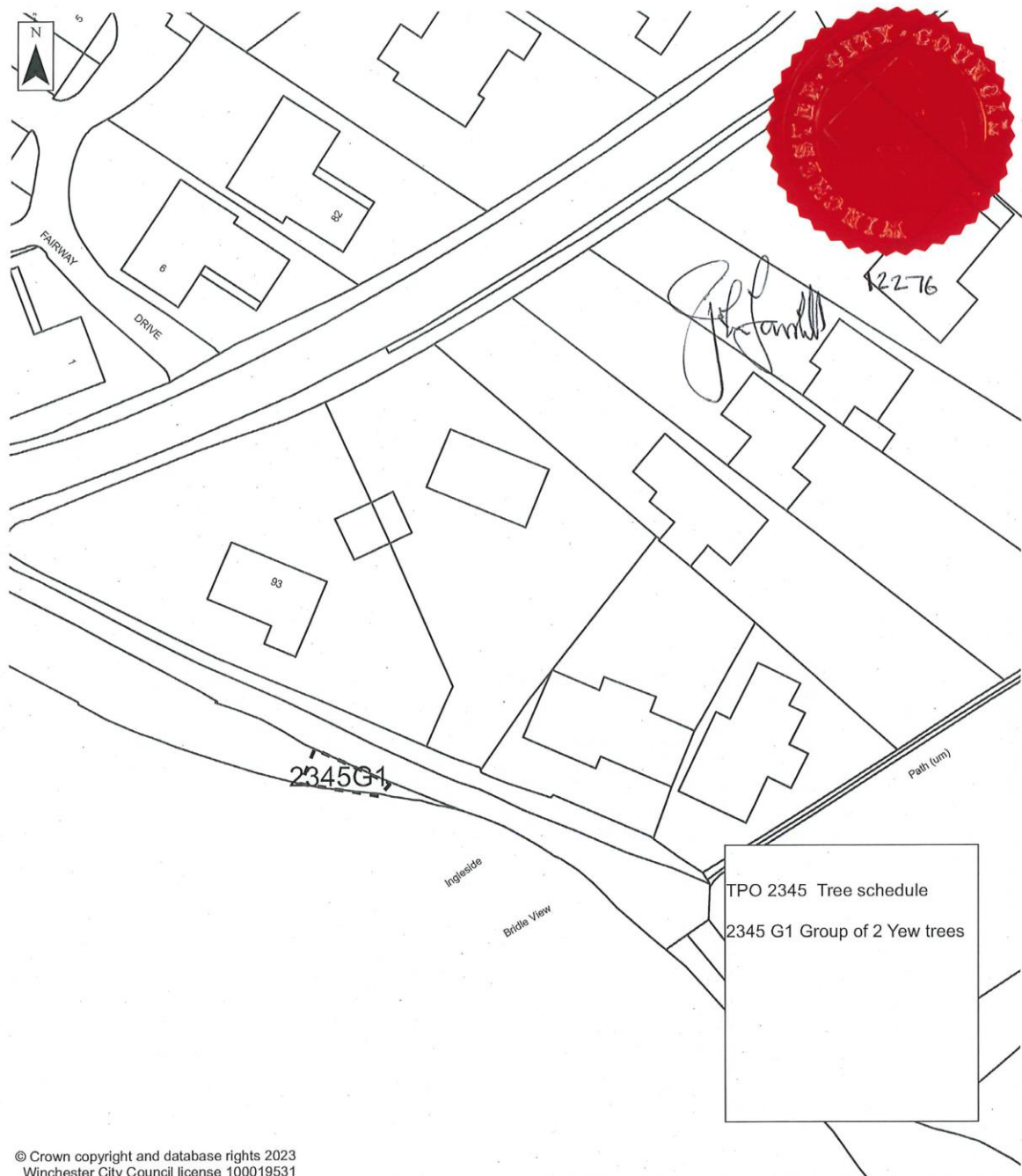
Winchester City Councils tree strategy

Website:- <https://www.winchester.gov.uk/planning/trees>

APPENDICES:

Appendix 1

Appendix 1



TPO 2345 Tree schedule
 2345 G1 Group of 2 Yew trees

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Legend

- A1 Area
- G1 Group
- W1 Woodland
- T1 Tree

TOWN AND COUNTRY PLANNING ACT 1990
 Section 198 - 201
 Tree Preservation Order No. 2345

Location: Land opposite 93 Old Kennels Lane
 Olivers Battery
 Winchester

Winchester
 City Council

Winchester City Council
 City Offices
 Colebrook Street
 Winchester
 Hampshire
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Scale @A4: 1:600 Date: 23 October 2023 Telephone 01962 840 222