

PLANNING COMMITTEE

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER, REF TPO 2346 – CHILCOMBE ST GILES, NORTHBROOK AVENUE, WINCHESTER

17 APRIL 2024

REPORT OF CABINET MEMBER: Councillor Jackie Porter, Cabinet Member for Place and Local Plan

Contact Officer: John Bartlett Tel: 01962 848360 Email: [jbartlett@winchester.gov.uk](mailto:jbartlett@winchester.gov.uk)

WARD(S): ST MICHAEL

PURPOSE

To consider confirmation of Tree Preservation Order 2346 to which three letters of objection have been received.

RECOMMENDATIONS:

That, having taken into consideration the representation received, Tree Preservation Order 2346 be confirmed.

## 1. SUMMARY

- 1.1. A section 211 notice was received by the Council notifying an intention to fell this mature beech tree on health and safety grounds due to previous limb failure.
- 1.2. The WCC Tree Officer carried out a site visit to assess the application and to assess whether the tree was of sufficient amenity value and condition to merit protection. When assessing this tree, it was considered that it met the criteria for a Tree Preservation Order. The tree achieved a score of 19 points on the TEMPO assessment which means that it merits protection from a TPO. Therefore, TPO 2346 was made and served on 14<sup>th</sup> November 2023. The TPO will expire on 13<sup>th</sup> May 2024.

## 2. CONSULTATION

- 2.1. Three letters of objection were received from the owner and neighbouring properties, in summary:
  - Tree has a history of sudden limb drop, dropping 3 major limbs over the last 12 years.
  - Do not know why tree cannot be significantly reduced to mitigate the effects of extreme weather.
  - Tree poses significant threat to property and would cause potentially catastrophic damage.
  - This is a dominant tree in a residential area of the City that draws so much water and blocks so much light.

The Tree Officer's response:

- No arboriculture evidence from an appropriate expert has been provided which suggests that the tree is in a dangerous condition.
- Additionally, no diagnostic information has been provided to ascertain the extent of any alleged decay or remaining sound residual wall thickness of wood.
- Without knowing the percentage of the alleged decay over the remaining residual wall thickness it is impossible to ascertain the condition of the internal heartwood of the tree and therefore it is not possible to make an accurate recommendation as to the future management of this tree.

- The dominance of this tree makes it a major asset in the landscape, and it makes a significant contribution to the amenity value of the local landscape and the character of the conservation area. Nuisance reasons such as those mentioned would not be considered to be justified reasons for removing such a significant tree.

### 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.

### 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 13<sup>th</sup> May 2024. This tree will then be left vulnerable to being removed. The removal of this tree will have a significant detrimental impact on the visual amenity and character of the conservation area.

### BACKGROUND DOCUMENTS:-

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

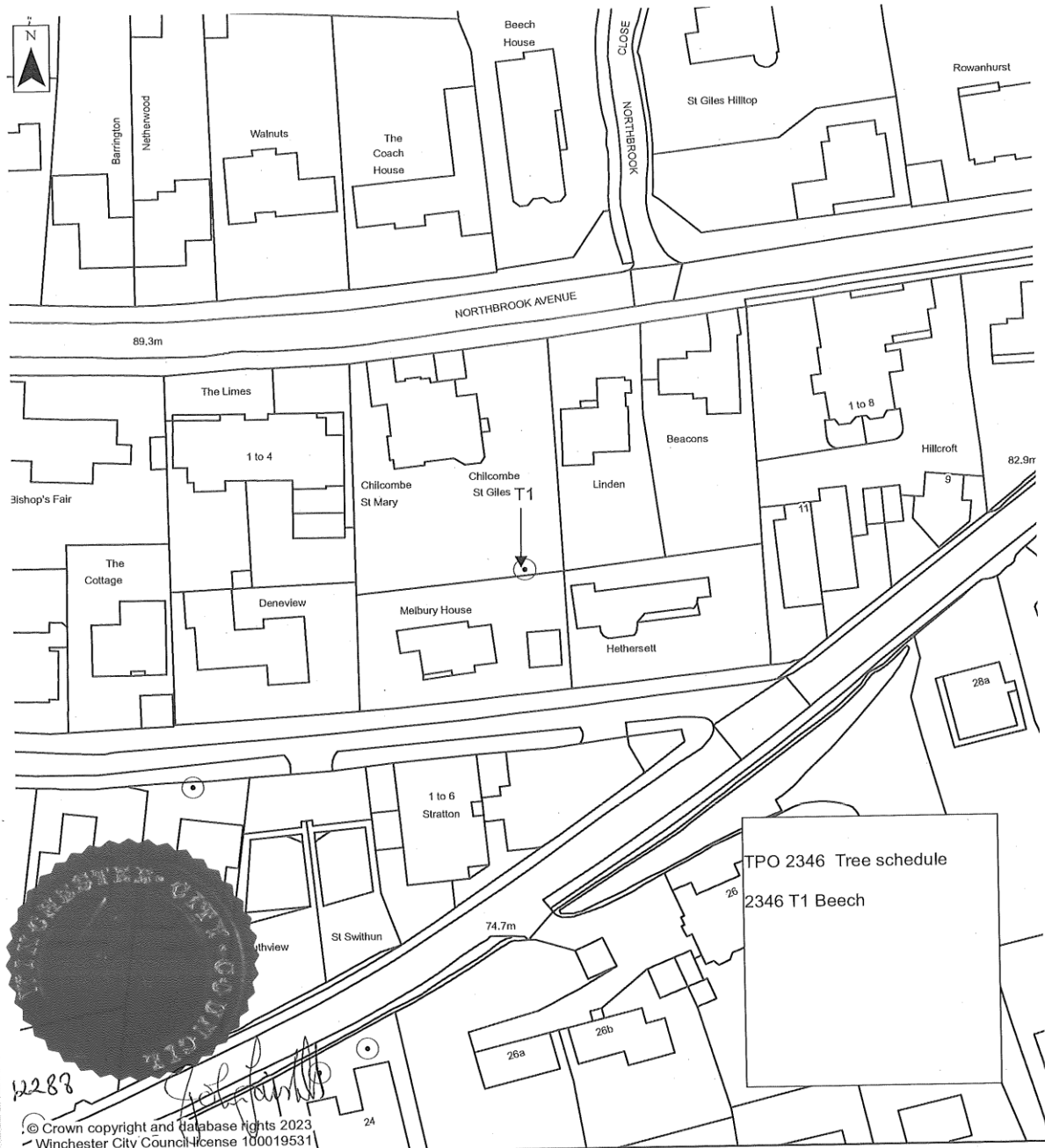
Website:- <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas>

Winchester City Councils tree strategy

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

APPENDICES: Appendix 1

Appendix 1



TPO 2346 Tree schedule  
2346 T1 Beech

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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. 2346

Location: Land at Chilcombe St Giles  
Northbrook Avenue  
Winchester



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

Scale @A4: 1:836

Date: 13 November 2023 Telephone 01962 840 222