

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER TPO2238 – ABBOTTS LEA COTTAGES, WORTHY ROAD, WINCHESTER

11 APRIL 2019

REPORT OF PORTFOLIO HOLDER: Councillor Caroline Brook, Portfolio Holder for Built Environment

Contact Officer: Ivan Gurdler Tel No: 01962 848 403 Email: igurdler@winchester.gov.uk

WARD(S): ST BARTHOLOMEW WARD

PURPOSE

To consider confirmation of Tree Preservation Order 2238 to which one letter of objection has been received.

RECOMMENDATIONS:

1. That having taken into consideration the representations received, Tree Preservation Order 2238 is confirmed.

## IMPLICATIONS:

### 1 COUNCIL STRATEGY OUTCOME

- 1.1 The confirmation of this Tree Preservation Order (TPO) will contribute to the High Quality Environment outcome of the Community Strategy by maintaining the environmental quality and character of the area.

### 2 FINANCIAL IMPLICATIONS

- 2.1 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 the protected tree and where that application is refused.

### 3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 None.

### 4 WORKFORCE IMPLICATIONS

- 4.1 None.

### 5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 None.

### 6 CONSULTATION AND COMMUNICATION

- 6.1 On serving of the TPO, the landowner and immediate neighbours were notified and allowed 28 days to object. Additional neighbours were then identified for notification and as such, the objection period was extended by 28 days.

- 6.2 At the time that TPO 2238 was served, there was one letter of objection and two letters of support from the owners of the tree and neighbours.

### 7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 Trees have a significant impact on our surroundings, the quality of our lives and where we live. They form an important and integral part of the countryside and in every town and village throughout the District. Trees support the natural beauty of our countryside and diversity of our natural wildlife.

### 8 EQUALITY IMPACT ASSESSEMENT

- 8.1 None.

### 9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None required.

10 RISK MANAGEMENT

## 10.1 None.

<b>Risk</b>	<b>Mitigation</b>	<b>Opportunities</b>
<i>Property</i>	N/A	N/A
<i>Community Support</i>	N/A	N/A
<i>Timescales</i>	N/A	N/A
<i>Project capacity</i>	N/A	N/A
<i>Financial / VfM</i>	N/A	N/A
<i>Legal</i>	N/A	N/A
<i>Innovation</i>	N/A	N/A
<i>Reputation</i>	N/A	N/A
<i>Other</i>	N/A	N/A

11 SUPPORTING INFORMATION:

- 11.1 This matter comes to Planning Committee because the City Council has received one objection to the making of TPO 2238 .
- 11.2 TPO 2238 was issued on 22 November 2018 to protect a large mature Conifer located on the eastern boundary of the Abbots Lea Cottages site. The Council received notification that the property, number 6 Abbots Lea Cottages, had been listed on the property market for sale and that the estate agent had stated that the tree could be removed by any new owners in the listing for the property. If TPO 2238 is not confirmed, the TPO will expire 21 May 2019.
- 11.3 The Conifer tree is in full public view from the main road (Worthy Road - B3047) running through central Winchester, giving the tree high visual public amenity value. The tree is of good health and vitality and is a good example of its species.
- 11.4 The protection of this tree 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.” If this tree is removed it would have a detrimental impact on the visual public amenity value that the tree currently provides.
- 11.5 There are no arboricultural reasons or justification provided for the removal of the tree. There is no history of tree failure and no reports of structural damage being caused to the adjacent property or the walls surrounding the tree.
- 11.6 The Secretary of State’s view is that the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works would have on amenity, the stronger the reason needed before consent is granted.

11.7 The confirmation of TPO 2238 will not prevent future maintenance to the tree.

## 12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 At the time that TPO 2238 was served, the Council received one letter of objection and two letters of support.

12.2 The objector states that the tree is located very close to the property of number 6 Abbots Lea Cottages and could be judged to contribute to a loss of light and to add to tree / leaf litter affecting the roof, gutters and downpipes of the property.

12.3 The objector expresses concern that in the future the size and root structure of the tree may become problematic with a risk of damage to the retaining walls and that the other properties within the Abbots Lea Cottages site are not directly impacted in the same way that number 6 might be.

12.4 The objector states that they have no intention to carry out works on the tree but there might be a future need to do so.

12.5 The objector states that Conifer trees are not regarded as being arboriculturally significant and could easily be replaced.

12.6 Officers response to letter of objection:

12.7 The complainant has cited light issues and shedding of needles as reasons why the TPO should not be confirmed. However, these are not material considerations when confirming a TPO. The issue of shedding leaves is something which can be alleviated by appropriate management of the property.

12.8 There are no current signs of damage to the retaining walls or the dwelling of number 6 Abbots Lea Cottages. No reports have been submitted to the Council as evidence of damage caused by the roots of the tree. In the scenario that damage has occurred or the first signs of damage are evident, an application to remove the tree would be considered by the Council.

12.9 The TPO does not prevent works being carried out to the tree. The TPO allows the Council to monitor any works being carried out to the tree to ensure they are appropriate and do not have a detrimental effect on the health and amenity of the tree.

12.10 No species of tree has been proven as being less arboriculturally significant than another. The conifer has been assessed using the TEMPO methodology which is commonly used for assessing the amenity value of a tree, regardless of species. It is important to maintain a diverse range of tree species and tree ages throughout the District, rather than creating a homogenised environment. The TPO will be able to ensure, by condition, that if in the event that the tree is removed, a replacement is planted. This becomes enforceable

by notice and therefore will help to maintain a green environment in the event that the tree has to come down.

#### 12.11 BACKGROUND DOCUMENTS:-

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

#### TEMPO

The following Tree Evaluation Method for Preservation Orders (TEMPO) assessment has been carried out to evaluate the amenity value of the Conifer tree.

Condition & suitability for TPO	Fair	Suitable	3 points
Retention span (in years)	40 - 100	Very suitable	4 points
Relative public visibility & suitability	Large trees, or medium trees clearly visible to the public	Suitable	4 points
Other factors	Trees of particularly good form, especially if rare or unusual		2 points
Expediency assessment	Foreseeable threat to tree	Foreseeable	3 Points
<b>Total</b>			16 points awarded- Definitely merits TPO.

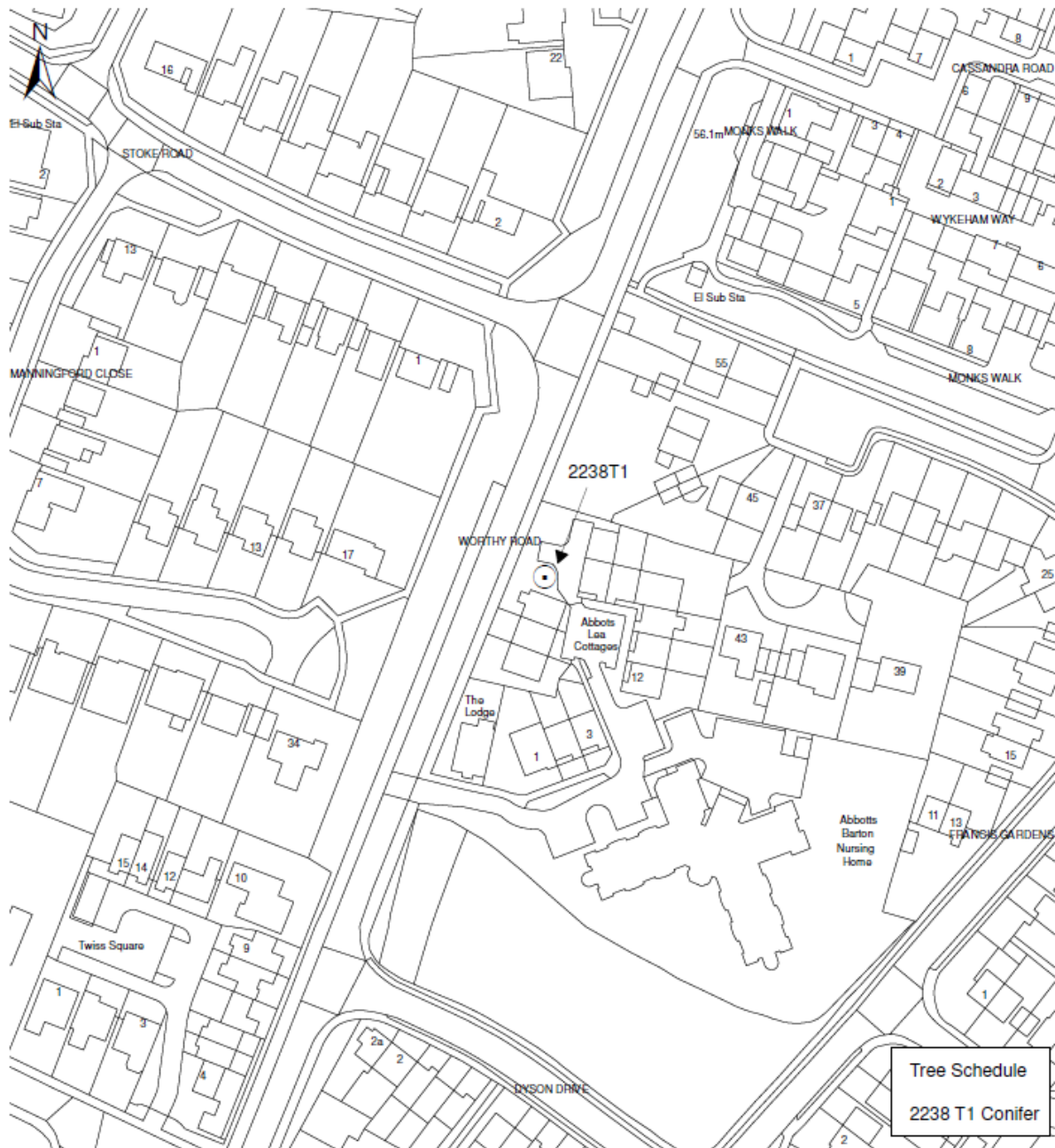
The Conifer tree scores a total of 16 points which establishes that the tree definitely merits a TPO and confirms that the tree is of sufficient public visual amenity value to be protected by a TPO.





Previous Committee Reports:- None.

Other Background Documents:- None.

APPENDICES:

Appendix 1 – Map of the site.



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

**TOWN AND COUNTRY PLANNING ACT 1990**

Section 198 - 201

Tree Preservation Order No. 2238

Location: 6 Abbots Lea Cottages  
Worthy Road  
Winchester  
SO23 7HB

OS Grid: 4629

Scale: 1:1000 @ A4

Date : 9th October 2018



**Winchester**  
City Council

Director of Operations  
Winchester City Council  
POBox 497, City Offices  
Colebrook Street  
Winchester  
Hampshire  
SO23 9DD

Telephone 01962 840 222  
Fax 01962 841 365