

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER TPO 2252
– 35 DEAN LANE, WINCHESTER.

20TH JUNE 2019

REPORT OF CABINET MEMBER: Cllr Jackie Porter Cabinet Member for Built
Environment and Wellbeing

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WARD(S): ST BARNABAS

PURPOSE

To consider confirmation of Tree Preservation Order 2252 to which two letters of objection and two letters of support has been received.

RECOMMENDATIONS:

1. That having taken into consideration the representations received, Tree Preservation Order 2252 be 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.
- 6.2 At the time that TPO 2252 was served there was two letters of objection and two letters of support.

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

Risk	Mitigation	Opportunities
<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matter comes to Planning Committee because two objections to the making of TPO 2252 has been received and have not been withdrawn.

11.2 TPO 2252 was served at 35 Dean Lane on 24th January 2019. The Council received notification that tree felling had been carried out at the neighbouring property (No 37 Dean Lane) to clear the site for development. If TPO 2252 is not confirmed, the TPO will expire on 23th July 2019.

11.3 T1 and T2 (Beech) may be viewed from the public highway in Dean Lane and T3- T5 (Beech) may be viewed from Old Hillside Road giving the trees high visual public amenity value.

11.4 The protection of the trees 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.” Any tree removal at this property for development purposes would have a detrimental impact on the visual public amenity value that trees currently provide.

11.5 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 reasons needed before consent is granted.

11.6 There are no arboricultural reasons or justification provided for the felling of any tree at this property, there is no history of tree failure and no reports of structural damage being caused to the dwelling or neighbouring properties.

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 At the time that TPO 2252 was served, the Council received 2 letters of objection and 2 letters of support:

13 **Summary of objections/support**

13.1 The trees do not contribute to the character and amenity of the area and are not prominent in the public right of way and they are encircled by housing and too far way from the rights of way.

13.2 The trees are of no particular merit and are not easily seen by anyone but us and our neighbours.

13.3 Public visibility alone is not be sufficient to warrant a TPO order.

13.4 The trees are not rare and do not have any cultural or historic value.

13.5 The supporter had witnessed the destruction and obliteration of all the trees and wildlife habitat at No 37 Dean Lane and has stated "this cannot be allowed to happen again".

13.6 The trees contribute to the valued skyline and provide habitat for wildlife, screening and privacy between neighbours.

13.7 The trees contribute to the character and bring amenity value to the local area.

13.8 The trees form a prominent feature from the local gardens and highways.

13.9 The natural neighbourhood should be safe guarded as much as possible.

14 **Arboricultural Officers response**

14.1 T1- T5 (Beech) are mature trees that are of reasonable health and vitality. They may be viewed from the public highway in Dean Lane and from Old Hillside Road. Old Hillside Road is not an adopted highway but has a metallised surface and is used as a public highway by pedestrians and vehicles to access residential properties in Old Hillside Road, Hillside Close and Hazel Court. The road is also used as pedestrian access to Tegdown estate.

14.2 As the trees can be viewed from both roads they have high visual public amenity value and therefore making them suitable for protection from a TPO. Government guidance states that trees subject to protection from a TPO or parts of them should be visible from a public place.

- 14.3 T1- T5 (Beech) are characteristic of this part of the Winchester district, and they contribute to the sylvan setting of Dean Lane that adds local character to the landscape setting.
- 14.4 It is apparent from a recent discussion with the current landowner, that whilst during his lifetime, he currently has no plans to remove any trees. However, should family members be in control of or in ownership of the land, then they may wish to develop the land. It cannot be said when or if such events might take place. Government guidance states:
- 14.5 “It is 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.”
- 14.6 “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 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.”
- 14.7 Under the UK planning system local authorities have a statutory duty to consider the protection of trees assessing planning applications. The confirmation of this TPO will satisfy this duty.

BACKGROUND DOCUMENTS:-

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

Tree Evaluation Method for Preservation Orders- (TEMPO)

TEMPO is designed as a field guide to decision-making, and is presented on a single side of A4 as an easily completed pro forma.

TEMPO is based on the accumulated scores derived in Parts 1 & 2 of the survey sheet and identifies four outcomes, as follows:

- Any 0 points you cannot apply TPO
- 1-6 points TPO indefensible
- 7-10 points Does not merit TPO

- 11-14 points Possibly merits TPO
- 15+ points Definitely merits TPO

Trees scoring 15 points or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise.

The following Tree Evaluation Method for Preservation Orders (TEMPO) assessment has been carried out to evaluate the amenity value of T1-T5 (Beech).

Condition & suitability for TPO	Fair	Suitable	3 points
Retention span (in years)	40-100	Very suitable	4 points
Relative public visibility & suitability	Large or medium trees clearly visible to the public	Suitable	4 points
Other factors	Members of groups of trees that are important for their cohesion		2 points
Expediency assessment	Foreseeable threat to trees	Foreseeable	3 Points
Total			16 points awarded - Definitely merits TPO

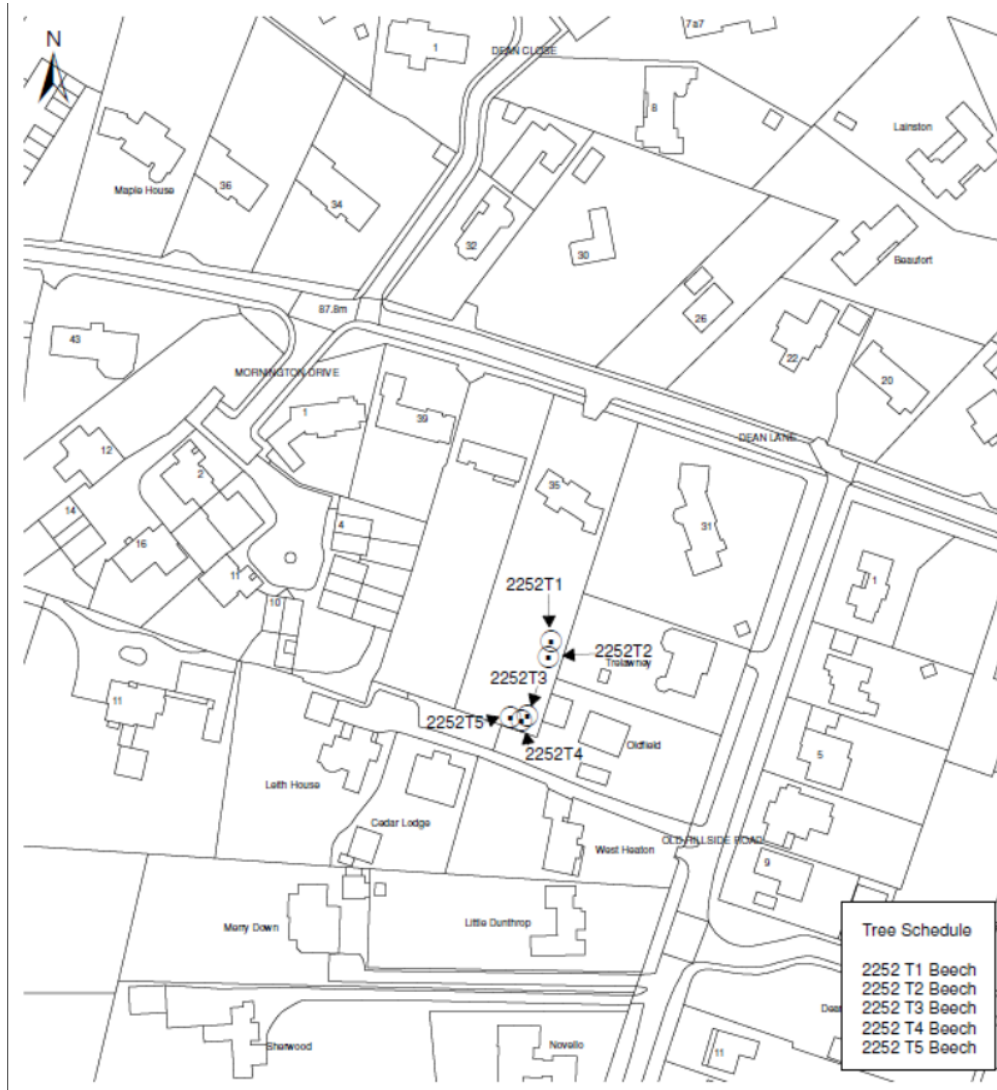
The trees score a total of 16 points which establishes that the trees definitely merits a TPO and confirms that the trees are of sufficient public visual amenity value to be protected by a TPO.


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. 2252

Location: 35 Dean Lane
Winchester
SO22 5LL

OS Grid: 4629

Scale: 1:1000 @ A4

Date : 22 January 2019



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