

REPORT TITLE: CONFIRMATION OF TREE PRESERVATION ORDER 2215 –
10 BEREWEEKE ROAD, WINCHESTER

24 MAY 2018

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

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WARD(S): ST BARNABAS

PURPOSE

To consider confirmation of Tree Preservation Order 2215 to which one letter of objection has been received.

RECOMMENDATIONS:

1. That having taken into consideration the representations received, Tree Preservation Order 2215 is confirmed.

IMPLICATIONS:1 COMMUNITY 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 EQUALITY IMPACT ASSESSMENT

- 6.1 There has been one letter of objection to the TPO which is summarised in this report.

7 DATA PROTECTION IMPACT ASSESSMENT

- 7.1 None Required

8 RISK MANAGEMENT

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

9 SUPPORTING INFORMATION:

- 9.1 This matter comes to Planning Committee because one objection to making the TPO has been received and the application has not been withdrawn.
- 9.2 The Council received a TPO tree works application (17/02318/TPO) on 12 September 2017 to fell a large mature Beech tree located in the front garden of No10 Berewecke Road Winchester
- 9.3 Council records show that at the time the TPO works application was submitted, the tree was protected by TPO number 1924 T1 which had been served in June 2008.
- 9.4 The Principal Tree Officer visited the site on two occasions – 18 July 2017 and 26 September 2017. At the July visit the tree owner's appointed tree agent was present, and the tree was assessed together and discussions on the work that may be acceptable to the Council were undertaken. The second visit in September followed receipt of the TPO tree works application to undertake an assessment of the site, the tree and the proposed works.
- 9.5 The application to fell the Beech tree was refused and the 7 reasons for refusal are given in the arboricultural response below in sections 8.15- 8.21 of this report.
- 9.6 There were 4 letters of objection to the planning application (17/ 02318/TPO) for felling of the tree and 2 public comments.
- 9.7 Following receipt of the refusal notice the owner of the tree has made an appeal to the Planning inspector.
- 9.8 As part of the appeal process the Planning Inspector requested evidence from the Council that TPO 1924 T1 had been confirmed. Evidence could not be found to show that TPO 1924 T1 had been confirmed, and thereby the tree was no longer protected. It is unknown why the TPO was not confirmed, but this is probably due to an administrative error made in 2008 and not because the tree was not worthy of protection.
- 9.9 As the tree was worthy of protection, a new TPO was made and served on 20 December 2017. This will expire on 19 June 2018 unless it is confirmed.

Summary of Objection Letter

- 9.10 The letter of objection to TPO 2215 is submitted on behalf of the tree owner by his appointed arboricultural consultant, and his letter of objection is based on the seven reasons given for the refusal of tree works application 17/02318/TPO which are listed in parts 8.15-8.20 of this report.

The objector does not dispute the tree's amenity value.

At the time of the site visit between the Principal Tree Officer and the tree owner's appointed arboricultural consultant on 18 July 2017, the appointed arboricultural consultant raised concerns regarding the structural integrity of the tree caused by internal connected decay of the tree's heartwood. The appointed arboricultural consultant arranged a climbing inspection of the tree. The appointed arboricultural consultant's opinion is that a request for specialist detection equipment seems to be excessive and unnecessary expense to the tree owner.

The combination of all the issues would require extensive management to retain the tree in a safe condition.

The objector does not dispute the Secretary of State's view that the higher the amenity value of trees and woodlands the stronger the reasons needed to justify tree works that would have a negative impact on their amenity value. However the tree owner's view is that the benefits of removing the tree and the loss of its amenity value outweighs the benefits of its retention.

The objector maintains that the decay pathogen that has colonised the lower stem of the tree is *Kretzschmaria deusta* and not beech bark disease .

The objector does not dispute that the tree is of reasonable health and vitality and that he is not aware of any history of failure associated with the tree however does have concerns that the beech tree roots may have been damaged by recent construction works at the site.

Summary of Support Letter

- 9.11 There are no letters of support received for confirmation of TPO 2215.

Arboricultural Officer's Response

- 9.12 Government guidance 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."
- 9.13 Amenity is not defined in law, however on this occasion the officer made a visual assessment and subsequently undertook a Tree Evaluation Method for Preservation Orders (TEMPO) assessment. The results of the TEMPO assessment are as follows:

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	Principle components of formal arboricultural features, or veteran trees	N/A	1 point
Expediency assessment	Perceived threat to tree	Foreseeable	3
Total			15 points awarded- TPO defensible.

- 9.14 Although the tree's amenity value is not disputed, the tree forms an integral part of the street scene and makes a significant contribution to the amenity value of the area. The TEMPO assessment above confirms that the tree is of sufficient public benefit and public visual amenity value to be protected from a TPO.
- 9.15 The TPO does not prevent maintenance from being carried out, as long as the Council receives a valid application which justifies the works requested.
- 9.16 The grounds for the proposal are not supported by sufficient arboricultural evidence in support of felling of the tree as required by the Secretary of State in part 8 of the application form. In particular there is no diagnostic information to ascertain the extent of alleged connected decay or diagnostic information to show the remaining sound residual wall thickness of the wood between the pruning wounds and the lower main stem. 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 proposed work would therefore be unwarranted and unjustified

- 9.17 Many of the tree related problems highlighted in the application can be resolved through good and proactive tree management.
- 9.18 The Secretary of State's view is that the higher amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted.
- 9.19 At the time of the tree officer's inspection there was no indication of Kretzchmaria. At the time of the tree officer's and agent's visit on the 18 July 2017 a black charcoal like encrustations was found at the base of the tree. The pathogen that colonised the beech has been identified as beech bark disease which produces tarry encrustation similar to Kretzchmaria.
- 9.20 The tree is of reasonable health with an even distribution of active twig and bud formation throughout the canopy, demonstrating that the tree has a high dynamic mass ratio over a static mass ratio, with sufficient energy levels to continue its biological functions for many years to come. This is evident by the high quality wood fibre in the reaction growth being laid down by the tree around the pruning wounds and the lower parts of the trees lower main stem, and therefore demonstrating the principal of Axiom of uniform stress.
- 9.21 There is no history of failure by the tree and no reports of structural damage being caused to the adjacent drive of dwelling of the property.
- 9.22 The tree works to remove one unsafe limb over Bereweke Road identified on the 18 July visit has now been carried out
- 9.23 The tree was inspected by Frank Wright in relation to an application in 2011(11/01598/FUL) for a two storey side extension and garage. Within his tree report, he graded the tree as an A grade. BS5837 (2012) defines A grade trees as high quality with a life expectancy of 40 years + meaning the tree is a good example of its species.
- 9.24 Extract from Mr Wright's tree report for application 11/01598/FUL states:
"Presently the tree is exhibiting reasonable vitality, although there are some small diameter branches with missing bark, consistent with squirrel damage. There are a number of wounds on the main stem from branches that have been flush cut. These are exhibiting a strong wound wood response, although there did appear to be some decayed wood behind the wounds. However the extent of decay is likely to be limited with sufficient safety reserves. By virtue of its size and position, the tree makes an important contribution to the sylvan character of Bereweke Road". This assessment of the tree is a fair assessment of current structural and physical condition of the tree.

- 9.25 In accordance with Mr Wright's tree report, the incursion into the root protection area of the beech tree for the two storey extension is 23m² which equates to 6.4% of the tree's root protection area. BS 5837 (2012) recommendations are an incursion into a root protection should be compensated by an off set elsewhere. The tree is located within a shrub to the front of the property which provides this off set.
- 9.26 Application 11/01598/FUL was supported by a tree protection plan to ensure the tree was protected for the proposed construction works.

BACKGROUND DOCUMENTS:-

Previous Committee Reports

None

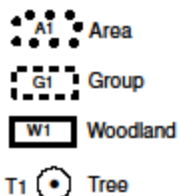
Other Background Documents:

None

APPENDICES:

Appendix 1 Plan

Appendix 1



TOWN AND COUNTRY PLANNING ACT 1990
Section 198 - 201

Tree Preservation Order No. 2215
Hobsons
Location: 10 Bereweke Road
Winchester
Hampshire



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