

Oxfordshire County Council, the second (objection B) from a Ms B Hughes of 23 Slade Road, Didcot (see appendix 2).

3.0 REASONS FOR OBJECTION

3.1 The objector's reasons for objection re detailed at appendix 2 and are summarised below.

3.2 Objection A:

- The County Council objects to the inclusion of trees identified as G5 and G6 in the Order which stand on the NW boundary of the Stephen Freeman Primary School.
- They suggest that the TPO could be detrimental to the future development potential of the school site.

Objection B:

- Mrs Hughes objects to the inclusion of a single poplar tree which is included in G8 of the Order and stands on the rear garden boundary of 23 Slade Drive.
- She is concerned by the size of the tree and its potential to damage adjacent property.

4.0 APPRAISAL

4.1 When giving consideration to the confirmation of this Order Members are advised to take account of the following points which address the concerns raised in the objections above:

4.2 Objection A: The County Council have advised that the trees do not currently represent a constraint to the operation of the school and it is suggested that they are in fact beneficial to the site, creating an attractive landscape feature on a somewhat stark site and providing shade for those using the site.

4.3 It is recognised that trees can create a constraint for future development and this can be said of most trees on development sites. The purpose of the Tree Preservation Order legislation is to ensure that trees worthy of retention are protected against over development of such sites and to ensure that a compromise in the scale of development is considered so that a balanced approach to development and environmental protection can be achieved.

4.4 It is probable that the land adjacent to the school site will be developments as domestic dwellings. It is therefore suggested that the trees will provide a significant and important screen/divide between the school and the new housing.

4.5 Objection B: The poplar tree stands at the far end of the rear garden which is some 25m from the house. It is accepted that tree is a large specimen and is rather overbearing. However, the tree has been an accepted feature of the site for many years and the adjacent occupants have chosen not to undertake any management of the tree in the past.

4.6 It is suggested that some remedial works could be undertaken to mitigate some of the concerns of the local residents and to ensure the tree is in sound condition. The owner has the right to submit an application to undertake work, or to fell the tree at any time. The Council will assess the reasons given for such applications and consider if such actions are reasonable in the circumstances. The Council will not seek to protect trees where there is an unreasonable degree of risk to the public or to property.

5.0 POLICY & GUIDANCE

5.1 The South Oxfordshire Local Plan adopted 2006 recognises the contribution that trees make to the appearance and character of towns and villages within the District and commits the Council to preserving and retaining existing trees (see Appendix 3)

5.2 In order to ensure consistent interpretation of the TPO legislation guidance has been sought from the DETR publication "Tree Preservation Orders. A Guide to the Law and Good Practice".

6.0 CONCLUSION

6.1 The trees are considered worthy of the Order because:

- They provide significant contribution to the landscape of the area and as are considered to be of amenity value.
- The trees have considerable safe useful life expectancy.
- Remedial tree surgery works can be undertaken where appropriate to mitigate the some of the concerns raised by the objectors.
- With appropriate management trees, buildings and their occupants can and must co-exist if we are to have the benefits of trees within the urban environment.

- There are relatively few trees in this area and those that have been protected by this Order are considered important to the integration of the future development of the site within the existing landscape.

7.0 RECOMMENDATION

7.1 That Tree Preservation Order No. 23/2006 be confirmed.

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APPENDIX 1

SITE PLAN

APPENDIX 2

LETTERS OF OBJECTION

APPENDIX 3

EXTRACTS FROM THE LOCAL PLAN

Extracts from South Oxfordshire District Council Local Plan adopted 2006

Landscape character

Policy C1

The conservation and where possible, enhancement of the landscape of the district will be sought. Development that would adversely affect the distinctive features of the landscape character areas will not be permitted.

Where development is acceptable in principle it should:

- (i) be integrated into the landscape character of the area;
- (ii) protect important local features; and
- (iii) where possible, contribute to local distinctiveness.

Measures will be sought to integrate new development sensitively, mitigate impacts and where appropriate, enhance local landscape character through conditions and agreements attached to planning permissions.

Biodiversity conservation

Policy C6

In considering proposals for development, the maintenance and enhancement of the biodiversity resource of the district will be sought. Full account of the effects of development on wildlife will be taken. Where there is any significant loss in biodiversity as part of a proposed development, the creation and maintenance of new landscape features, habitats, habitat links and wildlife corridors of appropriate scale and kind will be required to ensure there is no net loss in biodiversity resources.

Landscape features

Policy C9

Any development that would cause the loss of landscape features will not be permitted where those features make an important contribution to the local scene, and/or provide all or part of an important wildlife habitat and/or have important historical value. Where features are retained within the development site, conditions will be used to ensure that they are protected during development and have sufficient space to ensure their survival after development.