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<b>TPO NO:</b>	26/2008
<b>SERVED:</b>	28 July 2008
<b>PARISH:</b>	Didcot
<b>WARD MEMBER(S):</b>	Bill Service, Roger Hawlor, Tony Harbour
<b>SITE:</b>	Tesco Stores, Wallingford Road, North Morton, Didcot
<b>GRID REF:</b>	SU 5390 / 8996
<b>OBJECTIONS RECEIVED FROM:</b>	Heather Sammons of Focus (DIY) Ltd Ranshaw Watts of Revera
<b>CASE OFFICER:</b>	Mr R Leonard of Aspect Landscape Planning Ltd Matt Gulliford

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## 1.0 INTRODUCTION

1.1 The purpose of this report is to enable the Committee to consider TPO No 26/2008 subject to modification whilst taking account of the three objections that have been made. The TPO protects two linear groups of trees at the entrance to Tesco.

## 2.0 BACKGROUND

2.1 The council's forestry team were consulted on planning application P08/W0557 which proposed a new bus lay-by and shelter and the widening of the link road as you enter the retail park from the public highway.

2.2 A tree officer visited the site assessing the trees and the impact of the proposed development. The trees that are the subject of this report appeared to be good specimens at the time of the inspection. The trees are a significant feature of the site and contribute to the amenity value of the surrounding area. They can be seen clearly by the public from the A4130 public highway and by customers of the retail outlets. (Both regularly used by local residents).  
(Photos and site plan are **attached** in appendix A)

2.3 As part of the consultation process the tree officer informed the planners of the negative impact the development would have in its current form. The proposed widening of the link road would result in the lose or damage of a total of 15 semi mature trees.  
(Copy of tree officers comments **attached** in appendix B)

2.4 The trees where planted as a requirement of the landscaping scheme conditioned as part of the approved planning permission when the site was originally developed. As you can see from the photos the trees have become successfully established and are now semi mature with a considerable life expectancy. They are achieving the purpose they where planted for.

## 3.0 REASONS FOR OBJECTION

3.1 The reasons for objections received are detailed in three letters, one from Heather Sammons of Focus (DIY) Ltd, one from Ranshaw Watts of Revera and one from Mr R Leonard of Aspect Landscape Planning Ltd.

Copies of these letters are attached and summarised below: (see appendix C)

- the trees affect public safety and site security (restricting the view of the car park from the highway)

- the trees prevent the public seeing the retail outlets and may reduce trade.
- the TPO will delay tree management works.
- the wording of the TPO is misleading and inaccurate.
- the trees are of insufficient value or quality to be included in the TPO.
- the trees aren't clearly visible.

#### 4.0 APPRAISAL

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

4.2 Proactive tree management that follows modern arboricultural practice, would allow for simple and effective tree pruning operations to be undertaken. This would ensure that clear visibility of the car park is maintained. Raising the clearance between the ground and the lower branches will achieve this and not harm the tree. In addition the routine clipping of the under story shrub planting will also aid this.

4.3 The trees are deciduous and therefore will not restrict visibility of the retail outlets in the winter months of the year. Again by way of simple, sensitive tree pruning operations, visibility of the stores can be maintained along with other advertising techniques. As you can see from some of the site photos the stores are clearly visible from the public highway.  
(Photos and site plan are **attached** in appendix A)

4.4 When determining a tree works application the council have an eight week period to assess the application. The majority of applications are determined well within this deadline. If a tree is considered to be in a dangerous condition emergency tree works can be undertaken without the need for an application. This is a legal exemption in the TPO legislation.

Proactive tree management will normally remove the likelihood of this occurring as the tree owner should be aware of the tree's condition and seek to manage them accordingly, dealing with foreseeable hazards. Tree owners have a Duty of Care to manage trees in this way under the Occupiers Liability Act 1984.

4.5 When a TPO is served, it is done so in a temporary form (for six months) to allow the council time to carry out further investigation. If the decision is taken to confirm the order modifications can be made to ensure clarity and accuracy.

As a result of further detailed site investigation some changes do need to be made to the wording of the legal document. This will ensure clarity and avoid any future confusion. The changes are listed below:

G1: A group of trees comprising mainly of 8 x Horse Chestnut.

Changed to

G1: A linear group of trees comprising of 7 x Horse Chestnuts

G2: A group of trees comprising mainly of 7 x Horse Chestnuts and 1 x London Plane.

Changed to

G2: A linear group of trees comprising of 5 X Horse Chestnuts, 1 x Norway Maple, 1 Lime and 1 x London Plane.

- 4.6 When we are considering serving a TPO part of the process is to carry out a standardised amenity assessment. This is to ensure a consistent approach is taken towards all trees that are considered for inclusion in a TPO. The amenity merits of the trees will determine how they are categorised in the TPO i.e. individual, group or woodland. Such practice conforms to guidance given in the government publication '*Tree Preservation Orders, A guide to the law and good practise.*' The trees achieved a good score against the assessment criteria, justifying their protection.
- 4.7 Lack of clear visibility is specifically mentioned in paragraph 4.10 of Mr R Leonard of Aspect Landscape Planning Ltd letter of objection. He contests the statement the trees are "easily visible to numerous residents in the area". Although at present the trees are not seen when viewed from local residential dwellings, many hundreds of local residents will drive past the site on a daily basis or even use the retail outlets themselves, having to drive or walk between the trees to gain access.

In addition the open field to the north directly opposite the trees is included in the local plan as land allocated for development. An outlined planning application for a significant residential development has been submitted.

It should be noted out of the three letters of objection, two clearly state the trees are restricting the visibility of the car park and the retail outlets and the third objection states the trees aren't clearly visible. The objectors have completely contrasting view on the trees visibility.

#### 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. These aims are embodied in policies C1, C6, C9, CON7 and A1 which seek to underpin the statutory duty of the council to protect trees of amenity value.
- 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 tree are considered worthy of the Order because:
- the trees have public amenity value when assessed in line with government guidance. The trees are clearly visible and future development opposite will lead to an increase in visibility by local residents.
  - the trees are in good health and being semi mature have considerable safe useful life expectancy i.e. over 40+ years. As they mature there presents as a important landscape feature will greatly increase.
  - There is a clear threat to the trees in light of the recent planning application to widen the link road resulting in the lose or damage of the 15 trees.
  - the preservation order will allow the trees to be managed following best arboricultural practise and not restrict suitable tree management addressing the concerns of safety and visibility.

7.0 **RECOMMENDATION**

7.1 **That Tree Preservation Order No. 26/2008 be confirmed with minor modification to the wording and site plan.**

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- APPENDIX A:                    Site photographs & site plan**
- APPENDIX B:                    Forestry consultation response**
- APPENDIX C:                    Letters of objection**

## **APPENDIX A**

### **SITE PHOTOGRAPHS & SITE PLAN**

## **APPENDIX B**

### **FORESTRY CONSULATION RESPONSE**

**APPENDIX B**

**LETTERS OF OBJECTION**



