

REPORT 2

SUBJECT TREE PRESERVATION ORDER CONFIRMATION REPORT ITEM 8

REPORT OF Tree Officer

TPO NO.	82/2009
SERVED	04 January 2010
PARISH	Henley on Thames
WARD MEMBER(S)	Joan Bland and Lorraine Hillier
SITE	Chalcraft Close, Henley on Thames
GRID REF	SU 7505 8172
OBJECTION RECEIVED FROM:	Mrs Parr, Mrs Juster and Ms York
CASE OFFICER	Martin Gammie

1.0 INTRODUCTION

1.1 The purpose of this report is to enable the committee to consider the expedience of confirming tree preservation order (TPO) 82/2009 whilst taking account of two formal objections. The TPO protects one tree using the individual category and a further 17 trees in two groups, using the group category.

2.0 BACKGROUND

2.1 The council has recently undertaken a review of its TPO portfolio comprising some 700 orders across the whole district. The purpose of the review is to ensure the information the council holds relating to protected trees is accurate and that the orders protect those trees of significant amenity value.

The trees in question have been the subject of a preservation order since 1983 and this order seeks to update the original order to ensure it is accurate and enforceable.

2.2 When significant changes need to be made to a preservation order, as was the case in this situation, the council are legally required to revoke the existing TPO and then re-serve a new TPO to accurately reflect the changes made. The review identified some 200 orders that required some form of updating.

2.3 Owners and/or occupiers of the land affected by the revocation and re-serving procedures have an opportunity to raise any objections to the re-served order within a 28 day period from the date the order is served, as they would for a new TPO.

2.4 As part of the review process the trees included in the order have been inspected and an amenity assessment completed along with a general inspection of the tree's condition.

At the time of the inspection the trees were considered to be in reasonable structural and physiological condition with a significant life expectancy. The trees were found to have significant amenity value being clearly visible to the public and therefore warrant continued protection under the new order. (Site plan and photo in Appendix A).

3.0 REASONS FOR OBJECTION

3.1 The council have received two letters of objection to the TPO. The objectors are listed above and a copy of the letters are attached at appendix B and summarised below:

- the trees block light to the properties and this is unhealthy for the elderly residents, causes unnecessary expense from lighting costs and is not environmentally friendly
- two trees are showing their roots and should perhaps be felled
- the leaves are a menace and a hazard in the autumn.

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.

4.2 As trees grow within the urban environment there will undoubtedly be some compatibility issues with the site, adjacent structures and those using the site. Sound arboricultural management and property maintenance seeks to achieve an acceptable balance between the retention of trees which provide a significant contribution to their environment and the cost of management and repairs associated with them.

The trees formed part of the landscape of this site prior to the development of Chalcraft Close and were considered worthy of retention and protection at the time development was proposed. The council has records of tree work applications for the site over the years in 2004, 2008 and 2009 and will seek to encourage a continued programme of appropriate management.

Appropriate tree pruning works such as judicious lifting and thinning of tree canopies can help to mitigate the concerns that have been raised whilst maintaining the trees natural form and amenity value.

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 and C9 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 trees are considered worthy of the order because:

- the trees have public amenity value when assessed in line with Government guidance, being clearly visible to the public. They contribute to the character of the residential area
- the trees are in reasonable structural and physiological condition, with no evidence of significant defects visible at the time of the inspection

- the concerns raised in the letters of objection can all be managed following best arboricultural practice, thereby addressing any present and future compatibility issues whilst maintaining the trees in good health for future generations
- Government guidance recommends local planning authorities update their TPO portfolios. Therefore the serving of the order is considered expedient and in accordance with Government guidance and the council's statutory duty to protect trees of amenity value
- the preservation order will allow the trees to be managed following best arboricultural practice, thereby addressing any future compatibility issues whilst maintaining the tree in good health for future generations.

7.0 RECOMMENDATION

7.1 That tree preservation order no. 82/2009 be confirmed.

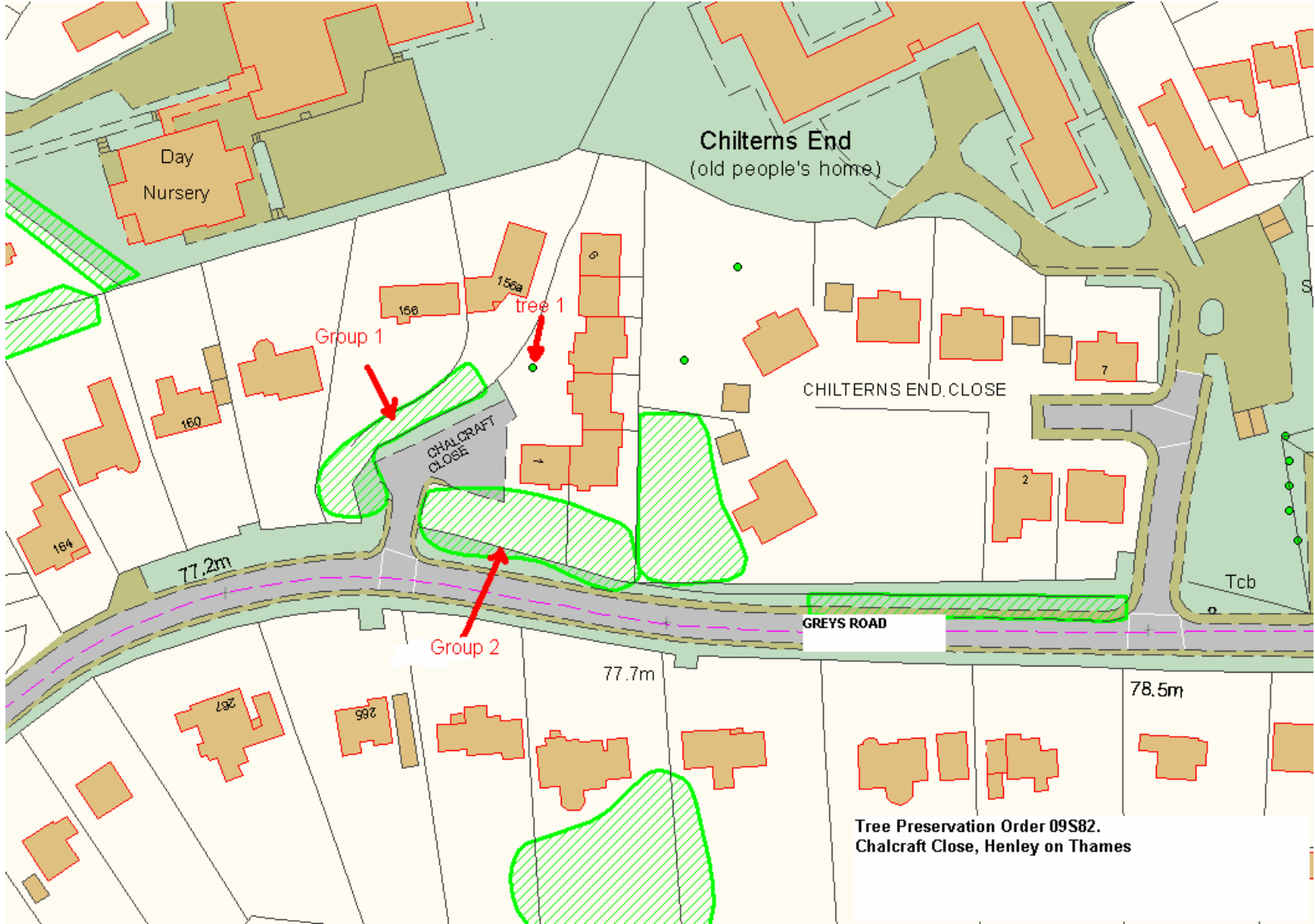
Author Martin Gammie
Contact No. 01491 823770
Email Add. forestry@southoxon.gov.uk

APPENDIX A: TPO site map and photographs

APPENDIX B: Letters of objection

APPENDIX A

TPO SITE MAP AND PHOTOGRAPHS





APPENDIX B

LETTERS OF OBJECTION

12. 1. 2010
TPO 09582

Tel 01491
579372

2. Chalcraft Close
Henley-on-Thames
OXON. RG9 1QZ

freedom.

Dear Mrs Ebsworth,

Tree Preservation Order No 03/1983 Henley
with reference to the above, I am against the
continuation of the order for reasons given below.

- 1) So dark in the summer one has to have the electric light on most of the day, not very environmentally friendly & an expense we could do without.
- 2) The leaves are a menace in the autumn have to be swept up almost daily from the front & rear ^{advance} of the bungalow, for an arthritic 88 year old ^{advance} sufferer of osteoporosis this is not an ideal situation to be in, slipping when it is wet causes great anxiety.
- 3) One question the restriction concerning the trees in 1983 put on the building of these six bungalows when they were for the elderly. The last thing required to induce darkness in their twilight years!

Haney E.R. York

S.O.D.C.
20 JAN 2010 ✓
PLANNING

Legal
15 JAN 2010
Received

1 Chalcraft Close
Greys Road
Henley on Thames, Oxon
RG9 1QZ
Phone: 01491 574944
katieparr@talktalk.net

Legal
18 JAN 2010
Received

Mr Parr
1 Chalcraft Close
G 13 January 2010
Henley on Thames
RG9 1QZ

Samantha Ebsworth,
Legal and Democratic Services,
South Oxfordshire District Council,
Benson Lane
Wallingford,
OX10 8QS.

Dear Mr Parr

T Dear Miss Ebsworth, Ref No. 82/2009

Thank you for your letter to South Oxfordshire District Council (Henley Area) regarding our comments in respect of tree preservation order No. 82/2009. A copy of your letter has been forwarded to the Forestry Commission and they will respond within an 8 week period from the date of this letter.

I have received notification from you with regard to the updating of the tree preservation order on a number of trees in and around Chalcraft Close.

I would like to object to making an update of all the trees specified.

You say in your view the trees have a high amenity value, may I ask to whom re they an amenity value? Passing pedestrians or motorists? To us living in very close proximity to the trees, which are marked G on your plan, they cause a considerable problem in the summertime. When they are in full leaf they make our bungalow very dark indeed. I understand it is not a good thing for pensioners who need as much light as possible, according to the health service.

So, I would like to suggest the tree preservation order be lifted on at least two of the group of trees on land to the south of No.1 and No.2 Chalcraft Close. These would be a pine tree and a lime tree and, possibly one other, the horsechestnut.

Two of the trees between us and 156 and 156a Greys Road are showing their roots, significantly in the car park, so I wonder if these trees should be felled. Perhaps you could help in this matter by removing the tree preservation order on the offending trees?

I urge you to consider this objection with sympathy and understanding.

Katie Parr.

No. 1 Chalcraft Close.
Dunstable
No 4 CHALCRAFT CL.

No 4. Chalcraft Close.