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<b>SUBJECT</b>	<b>TREE PRESERVATION ORDER CONFIRMATION REPORTS</b>	<b>ITEM</b>
<b>REPORT OF</b>	Tree Officer	

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<b>TPO NO. SERVED PARISH WARD MEMBER(S) SITE</b>	33/2010 24 November 2010 Cholsey Felicity Aska and Pat Dawe Waterways 2 Winterbrook Wallingford Oxon OX10 9EA
<b>GRID REF OBJECTIONS RECEIVED FROM:</b>	SU 6057 8867 Simon Jones, Simon Jones Associates Ltd., 17 Cross Raod, Tadworth, Surrey, Kent, KT20 5ST
<b>CASE OFFICER</b>	Martin Gammie

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## 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) 33/2010 whilst taking account of the objection that has been made to the serving of the order. The TPO seeks to protect trees that are considered to be of amenity significance standing on the site known as Waterways 2 Winterbrook Wallingford Oxon OX10 9EA. A copy of the order is attached at appendix A
- 1.2 The site on which the trees stand forms part of a development proposal that is currently the subject of a planning appeal. The tree officer has not objected to the development proposals and is of the opinion that the loss of some of the trees could be mitigated by means of replacement planting. However, in the event of the development not progressing, it is considered expedient to ensure the retention of the treescape and some means of enforcing replacement trees should there be seen to be a need to remove them in the future.

## 2.0 BACKGROUND

- 2.1 The council's forestry team was consulted with regard to planning application P10/W1589. The proposal for the development of ninety eight dwellings and been the subject of considerable public interest and many residents had raised concerns with regard to the loss of trees.
- 2.2 Although none of the trees on the site were subject of to legislative controls at the time, the developers consulted the council with regard to tree management

works on the site. It was agreed that a significant number of trees should be removed along the front, eastern boundary of the property as they were of low quality and interfering with overhead power lines. The council received numerous calls from local residents requesting that the trees be protected.

- 2.3 The removal of the lower grade trees has opened up the site, making the remaining trees significantly more prominent in the streetscene. Given the current status of the development proposals, the considerable public concern and the enhanced significance of the trees, it was considered expedient to protect the trees with the TPO.

### 3.0 REASONS FOR OBJECTION

- 3.1 The council have received only one objection to the serving of the order. The objection is from Simon Jones Associates Ltd, arboricultural planning consultants acting on behalf of Wates Development Ltd., the owners of the site. The objection specifically relates to the four individual trees. There is no objection to the group of trees being protected by G1 of the TPO

A copy of the objection letter is attached at appendix B and the main issues are summarised below:

- the trees are not of particular amenity value and the assessment methodology used by Simon Jones Assoc. confirms this
- the amenity of the area would not be diminished by their removal
- the trees, particularly the younger, smaller ones do not make a significant contribution to the streetscene and their removal would not be of major detriment to the character and appearance of the road
- three of these trees have no great future potential
- none of the trees have any screening value, they are not rare species and they have no special wildlife habitat merits
- based on the above the imposition of a TPO does not comply with Government guidance

### 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 seek to address the concerns raised in the objections and explain the actions taken by the council.

- 4.2
- ***the trees are not of particular amenity value and the assessment methodology used by Simon Jones Assoc. confirms this***

Government guidance “Tree Preservation Orders. A Guide to the Law and Good Practice” advises that ‘*the LPA develop ways of assessing the amenity value of trees in a structured and consistent way, taking account of visibility, individual impact and wider impact.*’ The council has adopted a comprehensive amenity assessment process and a copy of the assessment for these trees is attached at appendix C. The trees produced a relatively high score which substantiate the

officer's opinion using a structures methodology which the council has used for several years. The removal of the majority of the treescape at the front of this site has significantly increased the prominence and hence the amenity value of the few remaining trees. The photographic evidence will be produced at the committee meeting to support this evidence.

- 4.3
- ***the amenity of the area would not be diminished by their removal***
  - ***the trees, particularly the younger, smaller ones do not make a significant contribution to the streetscene and their removal would not be of major detriment to the character and appearance of the road***

The evidence detailed in 4.2 above suggests that the loss of these trees would be detrimental to the amenity of the area. It is acknowledged that two of the trees (T1 and T4) are relatively small specimens due to their young age. However, these trees are good specimens of their species with considerable safe useful life expectancy and as such their value is primarily one of future amenity potential. Simon Jones acknowledges in item 5 of his letter of objection that T4 in particular is *'an appropriate species for its location close to the stream and could in the future become a significant component of the landscape.'* Equally the T1 is a white birch and is particularly suitable for its urban, front garden setting. The contribution of both these trees to the streetscene will continue to increase for many years to come.

- 4.4
- ***three of these trees have no great future potential***

The future potential of T1 and T4 is discussed in para 4.3 above. T2 and T3, the magnolia and silver birch, are recognised as relatively short lived species in tree terms. However, assessment of these two particular specimens suggests a life expectancy in excess of thirty years subject to appropriate management which the TPO would help to secure.

- 4.5
- ***none of the trees have any screening value, they are not rare species and they have no special wildlife habitat merits***

It is agreed that the trees do not have any particular screening merits. They are not rare species but they are appropriate species for their location and whilst they may not have 'special' wildlife habitat merits, they will contribute to the habitat value provided by the green infrastructure of the locality. The loss of a high percentage of the vegetation on this site increases their significance in this respect.

- 4.6
- ***based on the above the imposition of a TPO does not comply with Government guidance***

The uncertain future of this site is seen to represent a threat to these trees. The council's assessment of their merits and contribution to the local landscape and streetscene suggests that they are of significant amenity value and that their loss would be detrimental to the character and appearance of the area.

## 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 CONCLUSIONS

- 6.1
- the uncertain future of this site is seen to represent a threat to these trees
  - the trees that are included in the order are significant in terms of their amenity value and as landscape features in the local streetscene
  - the smaller young specimens are of good form and have considerable future amenity potential
  - the TPO will help to secure appropriate mitigation measures should site development be approved

## 7.0 RECOMMENDATION

- 7.1 **That tree preservation order no. 33/2010 be confirmed.**

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**APPENDIX A:** Tree preservation order  
**APPENDIX B** Letter of objection  
**APPENDIX C** Amenity assessment

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