

SUBJECT TREE PRESERVATION ORDER
CONFIRMATION REPORT
REPORT OF Assistant Tree Officer

TPO NO.	15S21
SERVED	12 November 2015
PARISH	Goring
WARD MEMBERS(S)	Mr Kevin Bulmer
SITE	St Marys, Manor Road, Goring, READING, RG8 9ED
GRID REFERENCE	SU 5989 8050
OBJECTION RECEIVED FROM	Dr Finnigan, St Marys, Manor Road, Goring, READING, RG8 9ED Ms Simpson, Beckett, Manor Road, Goring, READING, RG8 9ED
OFFICER	Mr Joe Smith

1.0 INTRODUCTION

1.1 The purpose of this report is to enable the planning committee to consider the expedience of confirming TPO 15S21 whilst taking account of the two objections made to the serving of the tree preservation order. The TPO protects a single mature Copper Beech tree growing within the front garden of St Marys, close to the boundary of the neighbouring property of Beckett.

2.0 BACKGROUND

2.1 The council received information that the owners of the site intended to undertake tree works to the mature Copper Beech tree that is growing to the front of the property. A location plan is attached at **appendix 4** showing the location of the tree to be included in the proposed confirmed tree preservation order. An assessment by the Assistant Tree Officer found that the Copper Beech tree has significant amenity value and makes an important contribution to the character and appearance of the area.

2.2 Using the standardised amenity assessment the tree was found to have significant amenity value and therefore warrants long term protection. The tree appeared to be in good health and capable of standing for a number of years. It can be clearly viewed by the public from both the adjacent public highway and footpath (**Site photos in appendix 1**).

2.3 This process is recommended as good practice in the Planning Practice Guidance '*Tree Preservation Orders and trees in conservation areas*' and ensures that a consistent approach is taken

towards every tree assessed for a TPO. In this case the tree achieved a very good score against the assessment criteria, justifying its protection.

- 2.4 Planning Practice Guidance '*Tree Preservation Order and trees in conservation areas*' recommends that when local authority's assess the amenity value of a tree, the following is taken into account. **Visibility**, the extent of visibility from public vantage points will inform whether the impact on the local environment is significant. **Individual, collective and wider impact**, this looks at the trees characteristics such as size and form, historic value, contribution to the landscape. **Other factors**, such as nature conservation importance and response to climate change.

3.0 **OBJECTIONS and REPRESENTATIONS**

- 3.1 The council have received two letters of objection to the TPO and a later response from 1 of the objections in response to a letter from the Assistant Tree Officer addressing the objection letter. The letters of objection were from:

- Dr Finnigan, St Marys, Manor Road, Goring, READING, RG8 9ED
- Ms Simpson, Beckett, Manor Road, Goring, READING, RG8 9ED

A copy of the objection letters are attached at **appendix 2** and summarised below:

- The tree is hazardous and dangerous
- It requires management such as reducing in size
- Restricts light
- Seasonal nuisance such as leaf and nut fall

A copy of the later response letter is attached in **appendix 2**, in summary, is that:

- Tree poses significant risk of being blown down
- Would the council be liable for covering damages to property as a result of a protected tree falling

4.0 **APPRAISAL**

- 4.1 When giving consideration to the confirmation of this order, please be advised to take account of the following points that relate to the concerns raised in the objections.

4.2 **The tree is hazardous and dangerous**

- 4.2.1 At the time of the site visit made by the Assistant Tree Officer in connection with a tree works application that the council received, the

tree appeared to be in good health and with sound arboricultural management capable of standing for a number of years.

- 4.2.2 A visual tree assessment, from ground level, exterior only inspection found that there were no significant structural or physiological defects that would justify the trees removal on arboricultural grounds.
- 4.2.3 Trees are living structures and as such their condition can change as a result of alterations to their growing environment, infection from pests and diseases or inclement weather. Therefore it is recommended the tree should be inspected by a qualified, competent person on a routine basis e.g. once a year or after any extreme weather events. If the trees condition changes and alternative management operations are required the council will not seek to prevent any necessary works that are in line with good arboricultural practice.
- 4.3 It requires management such as reducing in size**
- 4.3.1 A tree works application was received by the council subsequent to the tree preservation order being served. The proposal was to reduce the canopy of the tree. These works were carefully considered by the council and works were permitted to reduce the tree's canopy to help ensure compatibility of the tree with its surroundings. A copy of the council's decision notice permitting the tree works is attached in **appendix 3**.
- 4.4 Restricts light**
- 4.4.1 The recently permitted tree works that have been undertaken to reduce the tree's crown will help to reduce the amount of shade that the tree casts. In law there is no right to light in relation to trees. The loss of light does not carry sufficient weight to justify the removal of a tree with such significant amenity value.
- 4.5 Seasonal nuisance such as leaf and nut fall**
- 4.5.1 These are known as seasonal nuisances. Such seasonal nuisances can have negative effects, but they are not a sufficient justification for the loss of a high quality tree with significant amenity value. The tree provides many environmental and aesthetic benefits that significantly outweigh the seasonal nuisance.
- 4.5.2 As trees grow within the urban environment there will undoubtedly be some incompatibility 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 that provide a significant contribution to their environment and the cost of management and repairs associated with them.
- 4.6 Tree poses significant risk of being blow down**

4.6.1 A visual tree assessment was undertaken and found that the tree was in good health and therefore the risk of the tree falling during a storm is low and at an acceptable level. The recent works that have been permitted and undertaken to reduce the tree's crown has reduced the risk of the tree falling further, by removing weight from the tree's crown, reducing the leverage of branches and significantly reducing the tree's sail effect in the wind.

4.7 Would the council be liable for covering damages to property as a result of a protected tree falling

4.7.1 The TPO legislation places a 12 month period of liability on the council to pay compensation where a person establishes a loss or damage that has been caused or incurred in consequence the refusal of an application for tree works, the grant of any such consent subject to conditions or the refusal of any consent, agreement or approval required under such a condition. The retention of trees that are in a hazardous state is not in accordance with industry best practise or in the interests of the tree owner or the council. The council employ experienced and qualified arboriculturalists to fulfil our statutory obligation to protect trees with amenity value whilst seeking to ensure the public's safety at all times.

5.0 POLICY AND GUIDANCE

5.1 The South Oxfordshire Local Plan adopted 2011 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 C9 and CSEN1 of the Core Strategy 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 Planning Practice Guidance '*Tree Preservation Orders and trees in conservation areas*'.

6.0 CONCLUSION

6.1 The tree is considered worthy of this order and long term protection because of the following:

6.2 The tree has public amenity value when assessed against government guidance, being clearly visible to the public, contributing to the character and appearance of the residential area.

6.2 A visual tree assessment found the tree in good health and is capable of standing for a number of years. The tree was free from any significant structural or physiological defects that would suggest failure was foreseeable.

6.3 The concerns raised in the letters of objection can all be managed following good arboricultural practice, thereby addressing any present

and future compatibility issues whilst maintaining the tree in good health for future generations.

- 6.4 Government guidance recommends local planning authorities should make and confirm tree preservation orders on trees with significant amenity value which are at risk of being felled, pruned or damaged. Therefore the serving of the order and its confirmation would be considered as expedient and in accordance with government guidance and the council's statutory duty to protect trees of amenity value.

7.0 RECOMMENDATION

- 7.1 To confirm Tree Preservation Order 15S21 without modification.**

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