

**WEST OXFORDSHIRE DISTRICT COUNCIL**

**LOWLANDS AREA PLANNING SUB-COMMITTEE – 10 JULY 2017**

**CONFIRMATION OF TREE PRESERVATION ORDER NO.2/2017 –  
WHEELWRIGHT COURT, HAM LANE, ASTON, OX18 2DE (141.293)**

**REPORT OF THE HEAD OF PLANNING AND STRATEGIC HOUSING**

**(Contact: Nick Dalby, Tel: (01993) 861662)**

(The decision on this matter will be a resolution)

**1. PURPOSE**

To consider the confirmation of Tree Preservation Order No.2/2017 affecting land at Wheelwright Court, Ham Lane, Aston.

**2. RECOMMENDATION**

Members are invited to decide whether or not to confirm the provisional Tree Preservation Order No.2/2017.

**3. BACKGROUND**

- 3.1. A Section 211 Notice (51.04/T76) has been received indicating the owner's intention to fell six Sycamore trees at Wheelwright Court, Ham Lane, Aston. They stand on land at the entrance to a new development of 8 dwellings on the site of a property known as Thistle Cottage.
- 3.2. As the retention of the trees formed an important element of the design of this recently constructed scheme your officers considered it necessary to put the request to fell them before this Committee to decide whether to retain them or allow their removal.
- 3.3. As the six week notification period expired before the Notice could be considered by the Committee a provisional tree preservation order was made on 1 June 2017 to extend legal protection over them until a decision has been made.
- 3.4. The provisional Order takes immediate effect for a period of six months and during this time the Council must decide whether to confirm it, amend it in some way, or allow it to lapse.
- 3.5. Details of the enabling planning permission for the development are available on the council's website under 14/01496/FUL.
- 3.6. The trees are in the ownership of the owner of Bow House, Wheelwright Court which is on the opposite side of the estate road.

**4. SECTION 211 NOTICE**

- 4.1. The reason given in the S211 Notice explaining why the trees are proposed to be removed is 'old hedgerow trees with poor form retained during development, now located within lawn area. Replant with six 14/16 girth standard trees around lawn area'.

## **5. OBJECTIONS TO THE MAKING OF THE TPO**

5.1. Four objections have been received to the making of the Order, all from new residents. One was received from the owner of Birchwood Cottage, Ham Lane which is immediately to the south of the trees and fronts onto Ham Lane. The grounds for objecting are as follows.

- 'Health hazard due to excessive amount of bird droppings over all property (bins, patios, vehicles and our personal possessions etc).
- Excessive amount of bird droppings on vehicles potentially damaging paintwork to both of our new vehicles.
- Leaves, seeds and confetti type material – blocking drainage in vehicles thus causing potential damage. Danger to vehicles from sap that is stuck to windows and front screens.
- Sap on house windows and paintwork that will damage the wooden frames.
- Leaves, seeds and confetti type material blocking house gutters – All gutters to our house have gutter brushes/grids that cannot cope with the debris from these trees.
- Seeds growing in gutters and block paving.
- House roof valleys full of debris and seedlings, thus damaging roofing and water flow.
- Garage less than two weeks old and gutters were totally blocked so drainpipes had to be cut to clear out debris and confetti type material.
- Seeds regenerating in garden, making weeding very difficult.
- Danger of branches and large twigs breaking off with potential to damaging vehicles roofing and property'.

5.2. Two other objections from the owners of the land on which the trees are growing concern the potential for the trees to cause drainage problems due to debris from the trees blocking drainage gaps in the new block paving. Nuisance issues as listed above were also reinforced. The intention to replace the large trees with ones more suited to a residential area is reiterated as is the desire to make the space on which the trees are growing more attractive.

5.3. A further reason for objection relates to perceived danger caused by debris from the trees falling onto visitor parking and bin areas.

5.4. One comment questions the need for the Order as the trees do not screen the new dwellings from the original ones.

5.5. It is anticipated that additional observations will be submitted before the committee meeting, notably from the Parish Council, and these will be available in the late representations report and/or reported verbally at the meeting.

## **6. PLANNING ASSESSMENT**

6.1. Prior to the construction of the new development the site contained a large number of trees, most growing naturally since its previous use was abandoned.

6.2. A scheme was put forward seeking planning permission to remove most of them but some were proposed to be retained to provide some maturity to the development in an attempt to assimilate it into the existing surroundings within the Conservation

Area. The council is also under a duty to seek the preservation and planting of trees in its planning decisions.

- 6.3. The Section 211 Notice does not set out a particularly compelling case to justify the removal of the trees, apart from the fact that they are of poor form. There is no suggestion of any safety or tree health issues or that their lifespan is limited or that they do not contribute to public amenity.
- 6.4. The objections to the making of the TPO expressed by some new residents relate mainly to nuisance issues caused by falling leaves, sap and other debris and the additional maintenance work this brings. These are common to situations where large trees co-exist with residential properties and whilst there is a genuine increase in maintenance this needs to be balanced against the wider environmental benefits trees provide and the trees were in situ before the properties were purchased.
- 6.5. It is recognised that some of the trees may lack individual merit but as a group they are of high amenity value in terms of their visual significance in the street scene. The intention to retain them was not to screen the new dwellings from existing ones but to give some maturity to this new development and help integrate it into the local context.
- 6.6. The judgement to be made is whether or not the inconvenience of additional property maintenance outweighs the wider contribution a group of trees growing in this location make to the setting of this new development and the wider Conservation Area.
- 6.7. The Notice includes an intention to replace the existing trees with new ones. However, this is not legally binding. If Members are minded to allow the removal of the trees on the basis that replacements should be planted it would be advisable to confirm the Order and invite an application to remove them. Permission could be granted subject to conditions to regulate replacements and their on-going maintenance.

## **7. ALTERNATIVES/OPTIONS**

The Council could decide to confirm the Order, allow it to lapse permitting the trees to be removed, or confirm it on the understanding that an application to remove them would be approved subject to conditions regarding their replacement.

## **8. FINANCIAL IMPLICATIONS**

There are no financial implications arising from this report.

## **9. REASONS**

To protect and enhance the environment in accordance with the Council Plan.

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### Background Papers:

TPO No.2/2017.

Planning application reference 14/01496/FUL