

Report of the Head of Planning, Transportation and Regeneration
TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED),
SECTIONS 198-201 AND 203

**TREE PRESERVATION ORDER NO. 790 (TPO 790):
HORSE CHESTNUT IN THE GARDEN OF 23 COWLEY CRESCENT**



Photo 1: The subject Horse Chestnut in the garden of 23 Cowley Crescent

1.0 Summary

1.1 To consider whether or not to confirm TPO 790.

2.0 Recommendation

2.1 That TPO 790 is confirmed.

3.0 Information

3.1 The making of TPO 790 was authorised under delegated powers on 11th June 2021 following concerns from local residents that it might be removed.

3.2 This Horse Chestnut tree is the largest tree in the road and an attractive landscape feature that contributes to the amenity and arboreal character of the local area. The tree merits protection on amenity grounds.

3.3 The tree has a long-life expectancy and so will provide amenity for years to come.

4.0 The Objection

A formal objection (summarised verbatim below) to TPO 790 was received from the property owner (23 Cowley Crescent) for the following reasons:

4.1 Quote has already been received for garden works which includes removal of the tree, as the garden work started prior to the creation of the TPO it should be allowed to continue (resident mentioned verbally holes created in the tree prior to the TPO)

4.2 Vexatious neighbours

4.3 Planning application at appeal stage includes tree removal - 11257/APP/2020/1766

5.0 Observations on the objections to TPO 790:

5.1 Any work completed prior to the creation of the TPO did not require council permission, however as the quoted tree removal has not occurred, the property owner will now need to apply if they wish to complete the tree's removal. This is the purpose of creating a TPO, to stop unnecessary tree work/removals and safeguard trees for the benefit of the borough. The resident verbally mentioned holes having been drilled into the tree prior to the creation of the TPO, however no evidence of this has been provided and the tree appeared to be in good health when the TPO assessment was created. Currently no application for tree work has been received.

5.2 Although the tree was brought to our attention by 11 different residents our decision as to whether to create a new TPO is based on the amenity value of the tree. This Horse Chestnut is the largest tree in Cowley Crescent, although it has been pruned in the past it has an attractive crown and has the potential for a long life.

5.3 No tree or vegetation survey was submitted with 11257/APP/2020/1766. The response to the planning questionnaire (Q10) states that no trees will be affected, however, the car parking is proposed within the root plate of the Horse Chestnut and the property owner as part of the TPO appeal has made it clear the tree needs removing to facilitate this development. However, there is no guarantee that the planning application appeal will be allowed and until such time as a decision is reached, the TPO ensures the tree is protected from unnecessary removal. The Planning Inspectorate has been updated on this item being referred to the planning committee.

6.0 Other matters:

11 representations were received asking for the creation of a new TPO and therefore in favour of TPO 790 for the following reason (summarised verbatim below):

6.1 A lovely tree that both residents and wildlife enjoy

6.2 Property owner has already removed the established hedges and taken down many trees, they fear the Horse Chestnut will also be removed

6.3 residents in the road remember: “the tree was planted many years ago, 2 small boys planted a conker each and one actually took while the other sadly died. This tree has a wonderful history attached to it which is told to educate and inspire the younger generation.”

7.0 Conclusion

It is recommended that TPO 790 be confirmed.

The following background documents were used in the preparation of this report:

- Provisional Tree Preservation Order No. 790 (2021)
- Emails of objection and support to TPO 790
- Planning application 11257/APP/2020/1766