

**PLANNING
COMMITTEE**

4th September 2017

TREE PRESERVATION ORDER (NO. 4) 2017 - Trees on land at 5 – 9 Station Road, Hagley.

Relevant Portfolio Holder	Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning Services
Ward(s) Affected	Hagley West
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Committee is asked to consider whether it is Expedient in the interest of Amenity to confirm with modification Tree Preservation Order (No.4) 2017 relating to trees on land at 5-9 Station Road, Hagley.

2. RECOMMENDATIONS

It is recommended that Tree Preservation Order (No.4) 2017 relating to trees on land at 5-9 Station Road, Hagley is Confirmed with modifications.

3. KEY ISSUES

Financial Implications

3.1 There are no financial implications relating to the confirmation of the TPO.

Legal Implications

3.2 The Town and Country Planning (Tree Preservation) (England) Regulations 2012 cover this procedure.

Service / Operational Implications

3.3 Background

The provisional TPO (Appendix A) was made on the 23rd March 2017 to protect trees at the above properties from removal or damage during site investigations and/or development works on land at the rear of 5/7 Station Road.

**PLANNING
COMMITTEE**

4th September 2017

- 3.4 Planning permission for a dwelling at the rear of 5/7 Station Road was granted in 2011. Although this has now lapsed and an application for an office development in 2017 was refused, the principle of development on the site was established. Over this period and particularly since the refusal of the latest application, discussions over development of the site have been taking place between the owner & the Planning Department with consultations sent to the Tree Service. Since the 2010 application, the site had become heavily vegetated with bramble & scrub preventing access to and assessment of the trees. Clearance of this vegetation was carried out in early 2017 to facilitate surveying of the site & trees although ground conditions still made access difficult.
- 3.5 Some degree of protection of trees on the application site and the adjacent garden of 9 Station Road (whose branches & roots extent over the site boundary) is already provided by the existing Conservation Area status of the site and by Conditions on the lapsed planning permission, which could be reapplied on any future development. However, both of these measures hold weaknesses or limitations in creating or enforcing permanent protection of all trees on the site and so government guidance advises the making of a TPO where permanent protection of specific trees is desired.
- 3.6 While the owner of the site has been cooperative & helpful during discussions and previous applications, given the ongoing development history of the site, the clearance works and amenity & screening value of the trees, it was evident that on ongoing risk of tree damage or removal still exists. It therefore appeared expedient at this point to make a TPO to provide immediate, clear & comprehensive protection of all trees during ongoing pre-application discussions and ultimately to provide permanent protection in the event of future development being granted & taking place.
- 3.7 Due to ongoing discussions of the development of 7 Station Road, and staffing and health constraints at this time, a detailed assessment of individual trees and the extent of their branch and Root Protection Areas could unfortunately not be carried out at or before the provisional stage. A temporary Area designation was therefore used to cover all the trees on both properties for the provisional period of the TPO.

Representations Received

- 3.8 One Objection has been received from Westside Forestry on behalf of the owner of 9 Station Road, Hagley. (included as Appendix B)
- 3.9 Westside Forestry were acting as an Agent for the owners of 9 Station Road for a Notification of Works to Trees in the Conservation Area received on 2nd February 2017. Prior to this, on 19th October 2016, a site visit and pre-application advice was given to the owners over works to the trees on their property.

**PLANNING
COMMITTEE**

4th September 2017

- 3.10 Following receipt of the Notification, as the works detailed had some variations from the earlier advice given, a second site visit was made on 22nd February 2017. During this visit, the main items discussed with the owner were the removal of the Apple tree to facilitate a prospective side extension to the house and works to the trees on the boundary with 7 Station Road which provided screening from any prospective development.
- 3.11 The outcome of these discussions and advice was that it appeared possible to carry out the prospective extension without needing to remove the Apple tree and that it was desirable to retain the Hazel trees as coppice so that the regrowth could provide additional screening should development take place next door. As a consequence of this discussion, it was understood that this variation was agreed, and consequently the final specification was amended from that on the initial notification.
- 3.12 The final processing of the Notification for works at 9 Station Road, took place concurrently with the discussions over the prospective development at 7 Station Road and the making of the provisional TPO coincided with the issuing of the decision notice for the Notification. As the TPO was expected to be in force when the decision notice was received, this was issued as a consent for works under the TPO so that the agreed work could still go ahead.
- 3.13 Unfortunately, due to a large number of other cases during this time and subsequent issues, these changes and the reasons for them were not clearly communicated to the owners & Westside Forestry and this misunderstanding is believed to have led to this objection for which I apologise. A subsequent application to fell the Apple tree has been approved.

Recommendation

- 3.14 Following further pre-application discussions over prospective development at the rear of 5/7 Station Road and a closer assessment of the adjacent trees, it is considered that only a small number of trees closest to the area of proposed development are of both sufficient amenity value, and are potentially under threat of loss or damage, that it is expedient to include them in a confirmed TPO.
- 3.15 Amenity Assessment
The TEMPO Assessment (included as Appendix C) details the trees recommended for inclusion in the confirmed TPO. This comprises two trees at the rear of 5/7 Station Road and three trees on the south-east boundary of 9 Station Road.
- 3.16 It is recommended that it is considered expedient in the interests of amenity to protect the 5 trees listed and that Tree Preservation Order (4) 2017 is Confirmed with amendment as detailed in the revised Plan & Schedule.

**PLANNING
COMMITTEE**

4th September 2017

Policy Implications

- 3.17 Policy Implications - None
Council Objective 4- Environment, Priority C04 Planning
- 3.18 Climate Change / Carbon/ Biodiversity- The Proposal in relation to confirming the TPO can only be seen as a positive impact on the environment.

Customer / Equalities and Diversity Implications

- 3.19 The customers have been provided with the relevant notification and the responses received are attached in the appendices. The customers will receive notification by post of the decision of the committee.
- 3.20 Equalities and Diversity implications- None

4. RISK MANAGEMENT

There are no significant risks associated with the details included in this report.

5. APPENDICES

- A – Current Provisional TPO
- B – Objection from Westside Forestry on behalf of 9 Station Road
- C – TEMPO Amenity assessment
- D – Revised Schedule
- E – Revised Plan

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

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