

**PLANNING  
COMMITTEE**

7th September 2020

**TREE PRESERVATION ORDER (NO. 6 ) 2020 – Tree/s on land at White Lodge,  
Woodcote Green B61 9ED.**

Relevant Portfolio Holder	Cllr M. A. Sherrey
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Perryfields Ward
Ward Councillor(s) Consulted	No
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 The Committee is asked to consider the confirmation without modification of Tree Preservation Order (No.6) 2020 relating to Tree/s on land at White Lodge, Woodcote Green B61 9ED.

**2. RECOMMENDATIONS**

- 2.1 It is recommended that provisional Tree Preservation Order (No.6) 2020 relating to trees on land at White Lodge, Woodcote Green B61 9ED is confirmed without modification as in the provisional order as raised and shown in appendix (1).

**3. KEY ISSUES**

**Financial Implications**

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

**Legal Implications**

- 3.3 Town and Country Planning (Trees) Regulations 2012 covers this procedure.

**Service / Operational Implications**

**Background:**

- 3.4 The provisional order was raised on 17<sup>th</sup> March 2020 after a phone call was received from a neighbouring resident regarding the recent removal of two large trees along the boundary of their property and right of way, by a neighbour to improve a view. The two trees in question were and mature Oak and a mature Ash that would have been part of an old boundary hedge and were situated along the southern boundary of White Lodge and Woodcote

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Cottage. The two trees would have been very prominent along the adjacent right of way and there was no evidence of decay in the remaining stumps. Therefore it was deemed prudent to raise an order on the site due to the potential loss of other quality tree including a small woodland and a number of mature Oak trees.

**3.5** The following one objection has been received in respect of the provisional TPO having been raised;

**1.** Email received from Mr. Jeff Marlow dated 8<sup>th</sup> April 2020 (Appendix 2) on behalf of Mr. Horgan, the owner of the trees included within the order which is support by an Arboricultural report from Marlow Consulting Ltd. shown in (Appendix 3)

My comments in relation to the points raise within the objection and Arboricultural report are as follows:

a. Regarding section 3.1 of the Arb. report concerning the lack of structured assessment of amenity value; TEMPO is used as guidelines for quantifying amenity value in order to advise on the suitability of including a tree within an order. When considering whether it was appropriate to raise a TPO on the site a full TEMPO assessment was undertaken (Appendix 4) to assess whether individuals and groups and / or woodlands should be included in the order. The results of which can be viewed in Appendix 4.

b. The National Planning Policy Framework states in relation to amenity value:

*“‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.*

*Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”*

c. With regards to section 3.2 surrounding the expediency of making the order; in order to be justified in raising a new TPO on a site it needs to expedient i.e. there need to be a threat of mismanagement levied against tree/s of sufficient quality. In section 1.5.3 of the Arb. report it is shown, labelled as Figure 2, that recent numbers of trees have been removed, during our site visit to asses the trees’ quality we could not

see any legitimate reason for the loss of these trees save for the improvement of a view. Indeed the initiator for the raising of the TPO was that from a neighbour concerned that Mr. Horgan had removed 2 large trees (Appendix 5) on their boundary for the sake of the view to the south west, upon inspection of the stumps there again was not apparent legitimate reason for the loss of these mature trees. The only conclusion was that the trees had been removed without good reason and not stated in the Arb. report: *“with an aim of improving the hedges in which the trees stand.”* On contrary, the loss of what would have been a large mature Ash and Oak trees to my mind significantly lessen the quality of the hedgerows as well as damaging ecosystems that depended on them. Additionally, in verbal discussion with Mr. Horgan and Mr. Marlow it was confirmed that no foul play had occurred in removing trees, and Mr. Horgan was entitled to improve a view, no mention was made of the proposed altruistic nature of undertaking the works.

- d. Once it has been deemed expedient to raise an order on a site it is normal practice to then assess the remaining individuals, groups or woodlands that are situated with the same ownership and undertake a TEMPO assessment to help decide whether any of these remaining trees should be included in the order.
- e. The objection concerning the inclusion of the woodland surrounds the potential interest the Forestry Commission would have in the woodland. The owner of a woodland is entitled to remove up to 5m<sup>3</sup> each calendar ¼ without any additional consent from the Forestry Commission or the LPA. Due to the small size and early-mature nature of the woodland the loss of 5m<sup>3</sup> each calendar ¼ would have a huge detrimental impact on the wood. This twinned with the fact that no management plan has been evidenced within the Arb. report or from Mr. Horgan means there is effectively no control whatsoever on what could be undertaken.
- f. The inclusion of the woodland within the Order is important due to high level of public visibility with a right of way running along its entire northern boundary. The quality of the woodland itself, being one of the highest quality features on the site and the clear intention from the owner to work the wood, which based on the lack sympathy afforded to trees previously removed all show that the inclusion of the woodland is expedient.

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- 3.6 Policy Implications- None  
HR Implications- None  
Council Objective 4- Environment, Priority C04 Planning
- 3.7 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**

- 3.8 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.
- 3.9 Equalities and Diversity implications- None

**4. RISK MANAGEMENT**

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

**5. APPENDICES**

List Appendices.

Appendix (1) Plan & Schedule of Provisional Order  
Appendix (2) Email of objection from Mr. Jeff Marlow on behalf of Mr. Horgan  
Appendix (3) Arboricultural Report from Marlow Consulting Ltd.  
Appendix (4) Completed TEMPO sheets undertaken by Tarek Ball and Gavin Boyes  
Appendix (5) Photographs of trees subject to the order

**6. BACKGROUND PAPERS**

None

**7. KEY**

TPO - Tree Preservation Order  
TEMPO – Tree Evaluation Method for Preservation Orders

- 7.1 Conclusion and recommendations:

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The trees in question are very prominent and provide a high level of amenity value to members of the public using either of the two rights of way that run through the land at White Lodge, additionally the trees included within the order add greatly to the character of the area.

Therefore, I would recommend to the committee that the order is confirmed and made permanent without modification as shown in appendix (1) of this report.

**AUTHOR OF REPORT**

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