

PLANNING COMMITTEE

9th July 2024

TREE PRESERVATION ORDER (NO. 2) 2024 – Tree/s on land at The Oasis, Hagley, Worcestershire DY9 0AT.

Relevant Portfolio Holder	Cllr Peter Whitaker
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Hagley
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.2) 2024 relating to two trees on land at The Oasis, Hagley, Worcestershire DY9 0AT

2. RECOMMENDATIONS

- 2.1 It is recommended that provisional Tree Preservation Order (No.2) 2024 relating to two Cedar trees on land at The Oasis, Hagley DY9 0AT 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 8th February 2024 following on from an initial enquiry made, by a tree surgeon, regarding the status of two Cedar trees, situated within a grassed area at the southern end of The Oasis' access road. Upon a site visit with the enquirer and a managing agent for the land where the trees are sited, it was made apparent that their intention was to remove both trees, although the agent remained neutral on whether the trees should be removed, hence taking advice from the engaged tree surgeon. The

**PLANNING
COMMITTEE**

9th July 2024

purported reason for removal was due to an enquiry made by a resident local, to The Oasis and the Cedars, that wish them removed. The trees in question are in fine health and condition, having grown together as a cohesive pair and are highly prominent to residents of Willow Close, The Greenway, Cavendish Drive, The Oasis itself as well as any highway users and pedestrians, as can be seen in photos 1 - 4 (Appendix 5). It was therefore deemed prudent to raise an order on the site, to include the Cedars due to the risk of their potential loss.

3.5 The Following two objections have been received in respect of the provisional TPO having been raised;

1. Letter dated 25th February 2024 from Mrs C. E. Meddings of No.41 Cavendish Drive (Appendix 2)
2. Letter dated 20th March 2024 from Ms H Butler of No.39 Cavendish Drive DY9 0LR (Appendix 3)

The following neutral letter has been received in respect of the provisional TPO having been received;

1. Letter dated 20th May 2024 from Edward Sherman of No.1 The Oasis DY9 0AT (Appendix 4)

My comments in relation to the points raise within these objections are as follows:

- a. With regards to comments made regarding the age and size of the trees, mentioned in both letters of objection; the trees are coming into full maturity and so would expect their growth slow considerably as they mature. The concerns regarding their height has been raised due to the perceived potential damage to property should the tree/s fail. The trees are both in fine health and condition and no signs of structural defect have been noted or raised within the letters (Appendix 1+2) The trees do appear as atop a bund or mound which is typical for the species and does not allude to root plate movement or is evidence of a fungal decay. At present I do not foresee windthrow or any major failure of either tree.
- b. Regarding comments made around waterlogged soils and movement of the water table; no actual evidence of movement of the water table has been submitted making it difficult to assess. That said I would fully expect the Cedars to show signs of stress, in reduced needle size or even yellowing of needles, if water levels had changed significantly as

they generally prefer a dryer substrate. In addition, if the ground is holding more water than previously and this alone is an issue for affected residents then 2 verging mature Cedars would work to lessen this issue as they will be drawing a considerable amount of water though their extensive root systems.

- c. The issue raised after shading out of gardens is unfortunate and as Cedar is an evergreen species this issue would be apparent year round. That said appropriate works could be agreed under the TPO to ease the matter. This would require the submission of an application for consideration and subsequent approval from the LPA, though is not likely to be refused, should the works be justified.
- d. Regarding the comment made in appendix 3, around needle drop and acidification of soils; I agree that needles shed by trees will adjust the PH balance of the soil, though not to the extent to create concern; many plants and trees leave a mark on the soils they inhabit, often inhibiting growing of some others, in this case inhibiting the growth of neutral or alkaline loving plants. There also exists species of plants and trees that are happy in slightly acidic environments some even thriving. In my mind thoughtful species selection would be need to navigate this.

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.

**PLANNING
COMMITTEE**

9th July 2024

5. APPENDICES

List Appendices.

- Appendix (1) Plan & Schedule of Provisional Order
- Appendix (2) Letter of objection dated 25th February 2024 from Mrs C.E.Meddings of No.41 Cavendish Drive DY9 0LR
- Appendix (3) Letter of objection dated 20th March 2024 from Ms H Butler of No.39 Cavendish Drive DY9 0LR
- Appendix (4) Letter of Objection dated 20th May 2024 from Edward Sherman of No.1 The Oasis DY9 0AT
- Appendix (5) Photographs of subject trees from the public highway.

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

7.1 Conclusion and recommendations:

The trees in question are very prominent to the residents of Willow Close, The Greenway, Cavendish Drive, The Oasis itself as well as any highway users and pedestrians as can be seen in appendix (5).

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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