

7. Consideration of Objections and Confirmation of Three Rivers (St. Clement Danes School, Chenies Road, Chorleywood) Tree Preservation Order 2015
(DCES)

1. Summary

1.1 To consider objections made in respect of the Three Rivers (St. Clement Danes School, Chenies Road, Chorleywood) Tree Preservation Order 2015. This report sets out the officer's recommendations to confirm this Order without modification.

2. Details

2.1 The Three Rivers (St. Clement Danes School, Chenies Road, Chorleywood) Tree Preservation Order 2015 was made to ensure that trees within and adjacent to St. Clement Danes School would become a material consideration in Planning Application 15/1431/FUL. This application required the removal of mature trees to facilitate parking spaces and the construction of a two storey classroom block in close proximity to mature trees adjacent to the southern boundary of the site. Some of the trees shown for removal as part of 15/1431/FUL were not included in this Tree Preservation Order. The trees that are included are all situated close to the southern and eastern boundaries of the school. The trees are visible from Chenies Road, the neighbouring properties of Sunshine Cottages and the public footpath which runs along the south of the site. The trees situated close to the eastern boundary would have been planted shortly after the school was built in the late 1970s. The trees situated close to the southern boundary and referred to as G6 in the documents pre-date the development of the school.

2.2 An objection has been submitted regarding the Order on the following basis:

- a) We wish to object to your order, which we consider to be excessive and an abuse of process, for the following reasons:
- b) The school has a long history of maintaining its grounds in an environmentally pleasing manner and is one of the best maintained schools in Hertfordshire.
- c) The school has a history of planting additional trees on the site and has given an undertaking to plant further trees as part of any expansion works.
- d) The trees referred to in G6 of your order documentation are not a public amenity as described by you but are an unkempt border on a private footpath which has had no maintenance for many years and has been left to grow unchecked and impinge on our property.
- e) In respect of G6 your order interferes with our Common Law right to cut back trees which impinge on our property and present a possible risk to our students.
- f) This matter should have been dealt with by negotiation at the pre-app stage of our planning application and not served on the school without the opportunity for consultation between interested parties
- g) To allow these trees to continue growing unchecked is a safeguarding issue as they can be used to access the school site from the footpath.
- h) By definition the school needs to be able to maintain its trees, as it has done successfully since it was built in 1976, without having to resort to a bureaucratic permission process and incur unnecessary expenditure

should the need arise for work to be undertaken, as is likely in any large secondary school.

2.3 In response to the above objections:

- a) Section 198(1) of The Town and Country Planning Act 1990 states that the Local Planning authority has the power to make tree preservation orders:

“If it appears to a Local Planning Authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.”

- b) TPO 828 was not made in response to the maintenance carried out within the grounds of St. Clements Danes School. TPO 828 was made in response to Planning Application 15/1431/FUL which sought the removal of mature trees to facilitate parking spaces and threatened the long term retention of mature trees adjacent to the southern boundary of the school site. TPO 828 was made to ensure that some of the trees within and adjacent to St. Clement Danes School would become a material consideration in the planning process.
- c) An undertaking to plant further trees is to be welcomed and it is usual to require such planting through the use of conditions as part of the planning process.
- d) The trees in G6 are growing adjacent to a private drive. The public right of way Chorleywood Footpath 011 runs along this drive. The driveway and footpath correspond with a track that is shown on the 1878 Ordnance Survey. The species mix within G6 is characteristic of hedgerow and trackside planting in this part of Hertfordshire. The Field Maples within this group are of considerable age and collectively the group represents a valuable landscape remnant. Branches from these trees do extend over the boundary of the school grounds but these branches are not in contact with any structures.
- e) This Council regularly considers applications by neighbors to prune overhanging branches from protected trees.
- f) The Three Rivers (St. Clement Danes School, Chenies Road, Chorleywood) Tree Preservation Order 2015 (TPO 828) was served provisionally on 23 September 2015. TPO's are made provisionally to enable interested parties to make representations before the order is confirmed. Landscape advice was given last year as part of the pre-app process which raised concerns over the proposals. The plans submitted under 15/1431/FUL did not reflect these concerns and were the same as those submitted for pre-app.
- g) The serving of a TPO does not mean that work cannot be carried out. It simply requires that all works are subject to an application to the Local Planning Authority.
- h) There is no charge attached to applications to work on trees protected by a Tree Preservation Order.

3. **Options/Reasons for Recommendation**

3.1 There are two options available to the Committee:

- (a) Confirm the Order without modification.
- (b) Not to confirm the Order. This would mean that the tree/s would not be provided statutory protection and could be removed without any further notification requirement.

4. **Policy/Budget Reference and Implications**

4.1 The recommendations in this report are within the Council's agreed policy and budgets.

5. **Financial, Legal, Staffing, Environmental, Community Safety, Customer Services Centre, Communications & Website, Risk Management and Health & Safety Implications**

5.1 None specific.

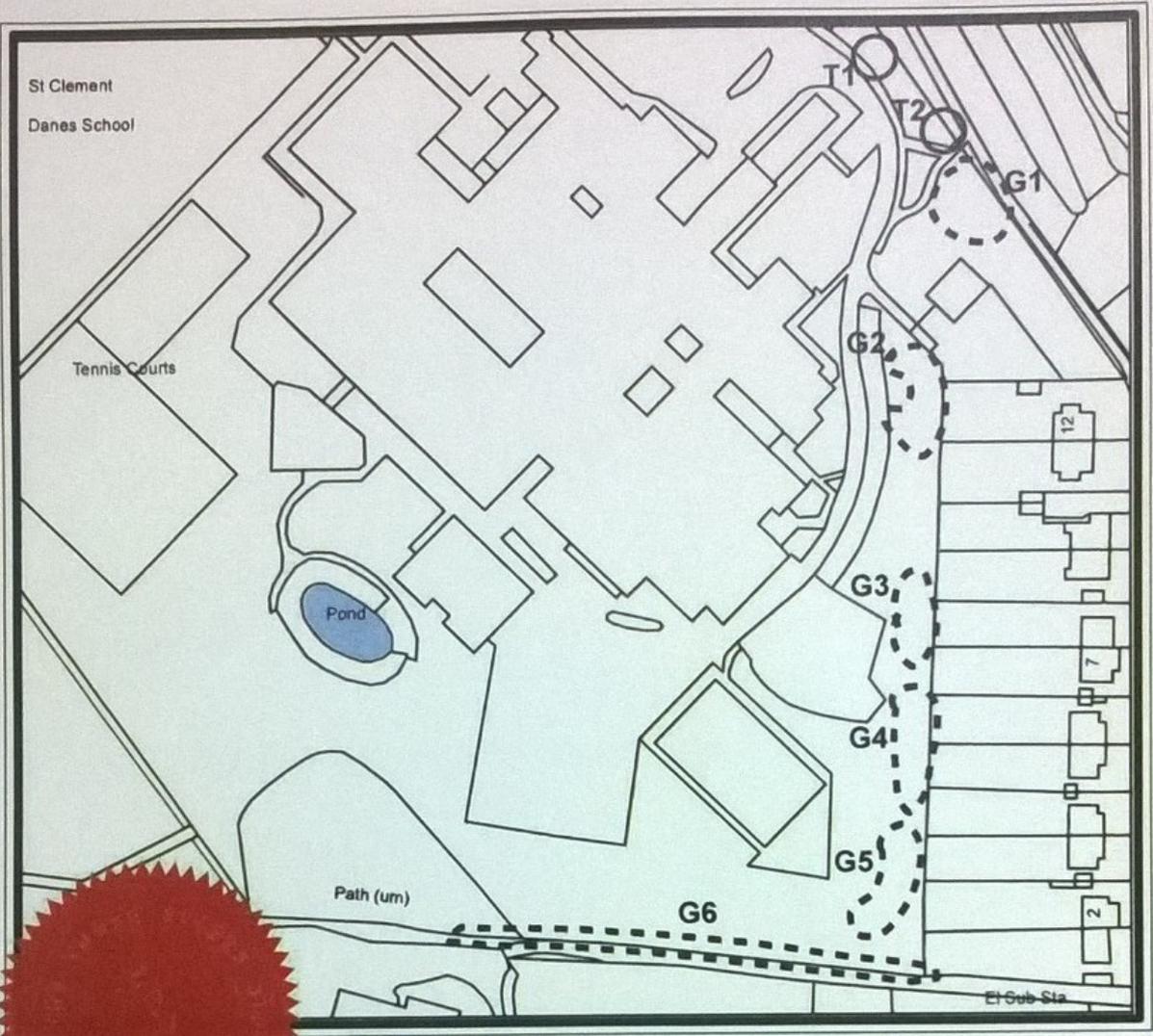
6. **Recommendation**

6.1 That the objection is noted but that the Three Rivers (St. Clement Danes School, Chenies Road, Chorleywood) Tree Preservation Order 2015 is confirmed without modification.

Report prepared by: Terence Flynn, Landscape Officer

Background Papers

- TPO828 file



53/15

TPO 828

Three Rivers (St. Clement Danes School, Chenies Road, Chorleywood) Tree Preservation Order 2015

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