

## PLANNING COMMITTEE – 21 April 2016

### PART I - DELEGATED

#### 6. **Consideration of Objections and Confirmation of Three Rivers (17 Heronsgate Road, Chorleywood) Tree Preservation Order 2016 (DCES)**

##### 1. **Summary**

1.1 To consider objections made in respect of the Three Rivers (17 Heronsgate Road, Chorleywood) Tree Preservation Order 2016. This report sets out the officer's recommendations to confirm this Order without modification.

##### 2. **Details**

2.1 The Three Rivers (17 Heronsgate Road, Chorleywood) Tree Preservation Order 2016 was made on 22 February 2016. This order was made in response to Planning Application 16/0108/FUL which required the removal of two Western Red Cedar trees. The trees protected by this TPO are highly visible in the landscape being adjacent to the public footpath which runs between Quickley Lane and Heronsgate Road.

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

- a) The principle objection relates to the prohibitive use of the Emergency Order. The extent of this Emergency Order would frustrate the delivery of the reasonable extension of the existing dwelling house.
- b) We do not want to touch the Ash trees behind the current garage, and would re-plant on the site to replace the two Western Red Cedars that we wish to take out.
- c) The Council have failed to undertake a detailed tree survey (in accordance with BS5837:2012) which accurately value and assess the condition of the trees on the site. This is a necessary and just requirement in the making of an Emergency Order and in seeking to confirm as a permanent Order.
- d) In light of the above concerns it is suggested that prior to any Tree Preservation Order being made, a meeting is held on site and with the benefit of a detailed tree survey to discuss the amenity value that individual and/ or grouped trees possess. It is our belief that the Ash trees have a higher amenity value than the cedars. Further, appropriate replacement planting can be provided.
- e) This would represent a positive and pro-active manner in which to ensure the amenity and character of the surrounding area is maintained, and in accordance with the obligation to act in a positive manner placed upon LPAs through Paragraphs 186 and 187 of the National Planning Policy Framework.

2.3 In response to the above objection:

- a) The order was made to ensure that the protected trees would become a material consideration in any planning application for the site.
- b) The proposals outlined in 16/0108/FUL would have impacted on the Ash trees protected as part of Group 1. These trees were not shown on the submitted site plan (1465/00/06 Rev A).
- c) This Council is not required to carry out a Tree Survey (in accordance with BS5837:2012) in preparation of a TPO. BS:5837:2012 documents are prepared in support of Planning Applications where the proposals impact on or are constrained by

trees within or adjacent to the site. No such documents were submitted in support of 16/0108/FUL.

- d) Three Rivers District Council as the Local Planning Authority is not required to give prior notice of an intention to serve a TPO. It is required to notify owners 'as soon as practicable' and invite representations which must be considered before the TPO is confirmed.
- e) Paragraphs 186 and 187 of the National Planning Policy Framework relate to decision taking as part of the planning process. These paragraphs are not specifically relevant to the making of TPOs. The Planning Practice Guidance relating to Tree Preservation Orders has been followed.

### 3. **Options/Reasons for Recommendation**

3.1 There are three options available to the Committee:

- (a) Confirm the Order without modification.
- (b) Confirm the Order subject to modification to remove the two Western Red Cedars T1 and T2.
- (c) 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 (17 Heronsgate Road, Chorleywood) Tree Preservation Order 2016 is confirmed without modification.

Report prepared by: Terence Flynn, Landscape Officer

### **Background Papers**

- TPO849 file



Three Rivers (17 Heronsgate Road, Chorleywood)  
Tree Preservation Order 2016

TPO 849

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