

WYRE FOREST DISTRICT COUNCIL**PLANNING (DEVELOPMENT CONTROL) COMMITTEE****9th JANUARY 2007****Lea Castle Farm, Wolverhampton Road, Kidderminster**
Tree Preservation Order No. 310 (2006)

OPEN	
RESPONSIBLE OFFICER:	Head of Planning, Health and Environment
CONTACT OFFICER:	Clare Eynon – Ext. 2515 Clare.Eynon@wyreforestdc.gov.uk
APPENDICES:	Location Map

1. PURPOSE OF REPORT

- 1.1 To determine whether Tree Preservation Order No. 310 (2006) relating to trees at Lea Castle Farm, should be confirmed or not.

2. RECOMMENDATION

- 2.1 **That the Tree Preservation Order, in its current form, be confirmed as the trees contribute to the amenity of the locality and may be under threat of removal.**

3. BACKGROUND

- 3.1 A planning application was submitted in April 2006 (06/0644/EIA) to renew a planning application (WF211/01) for a golf course at the above site. Two letters were also received in March 2006 raising concern over the removal of two mature Beech trees on the site. In order to safeguard the retention of the trees in light of the risk posed to them by development pressures, it was considered expedient to make the trees the subject of a Tree Preservation Order.
- 3.2 A Tree Preservation Order was made and served in July 2006 to protect the trees within the site.

4. OFFICER COMMENTS

- 4.1 The trees are a mixture of 'parkland' specimens including Oak, Beech, Lime and Wellingtonia and are all large mature specimens that contribute greatly to the landscape character. The trees have a historical association with the former Lea Castle, which is now the Lea Castle Equestrian Centre and most are individually displayed on the 1884 Ordnance Survey Group.
- 4.2 One objection to the TPO has been received from the Land Agent acting for Strong Farms (L.S) Limited.
- 4.3 The objection is summarised below:
1. It is quite clear that a proper inspection of the trees has not been made, as to their condition, many of which pose a serious threat to children and walkers using the footpaths and employees of Strong Farm.
 2. We would like to make it clear that if injury is sustained to any third party we are holding the Authority and its offices responsible.
- 4.4 I will comment on the objection as follows.
1. The trees which are subject to the Order were subject to prior inspection, under the requirements of the TPO legislation, however this does not require a detailed arboricultural inspection. Should any trees be found to be of insufficient condition, then they can be removed from the TPO prior to confirmation of the Order.
 2. It is not disputed that a number of the trees have dead branches within their canopies, which might cause injury in the event that they should fall, however such branches can be removed under the TPO exemptions. Responsibility however for the trees rests with the landowner and not with the Local Authority.
 3. The Land Agent was asked to provide information to suggest that any of the trees included in the Order are in such poor or dangerous condition to render them exempt from the order, prior to the cessation of the six month period. No such information has been received.
- 4.5 One letter of support to the TPO has also been received from the occupier of 11 Castle Barns
- 4.6 The letter of support is summarised below:
1. I would like to report my full support for this Order in regard to all the trees mentioned.
 2. Requests that an additional younger oak tree (around 20 years old) be included in the order to bridge the gap between those older oak trees
- 4.7 I will comment on the letter of support as follows.
1. I have no doubt that the Oak tree may indeed be a self-set specimen originating from one of the older trees on the site. However, TPO's are placed to protect trees of significant amenity value if they are considered to be under threat. Unfortunately

genetic provenance is not a key consideration and the Council may only act within the guidelines of the legislation.

The trees which are the subject of the Order are prominent landscape features of significant amenity value. A number of boundary trees are present on the site, but have not been included within the TPO, in view of their restricted amenity value and the consideration that they are not likely to be under threat.

It is therefore not recommended that the younger Oak tree be included within the Order.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications arising directly as a result of this report.

6. LEGAL AND POLICY IMPLICATIONS

6.1 There are no legal and policy implications arising directly as a result of this report.

7. CONCLUSION

7.1 I consider that the objection and representations have been fully considered and that the Tree Preservation Order should be confirmed without modification.

8. CONSULTEES

8.1 None

9. BACKGROUND PAPERS

9.1 Tree Preservation Order No. 310 (2006)

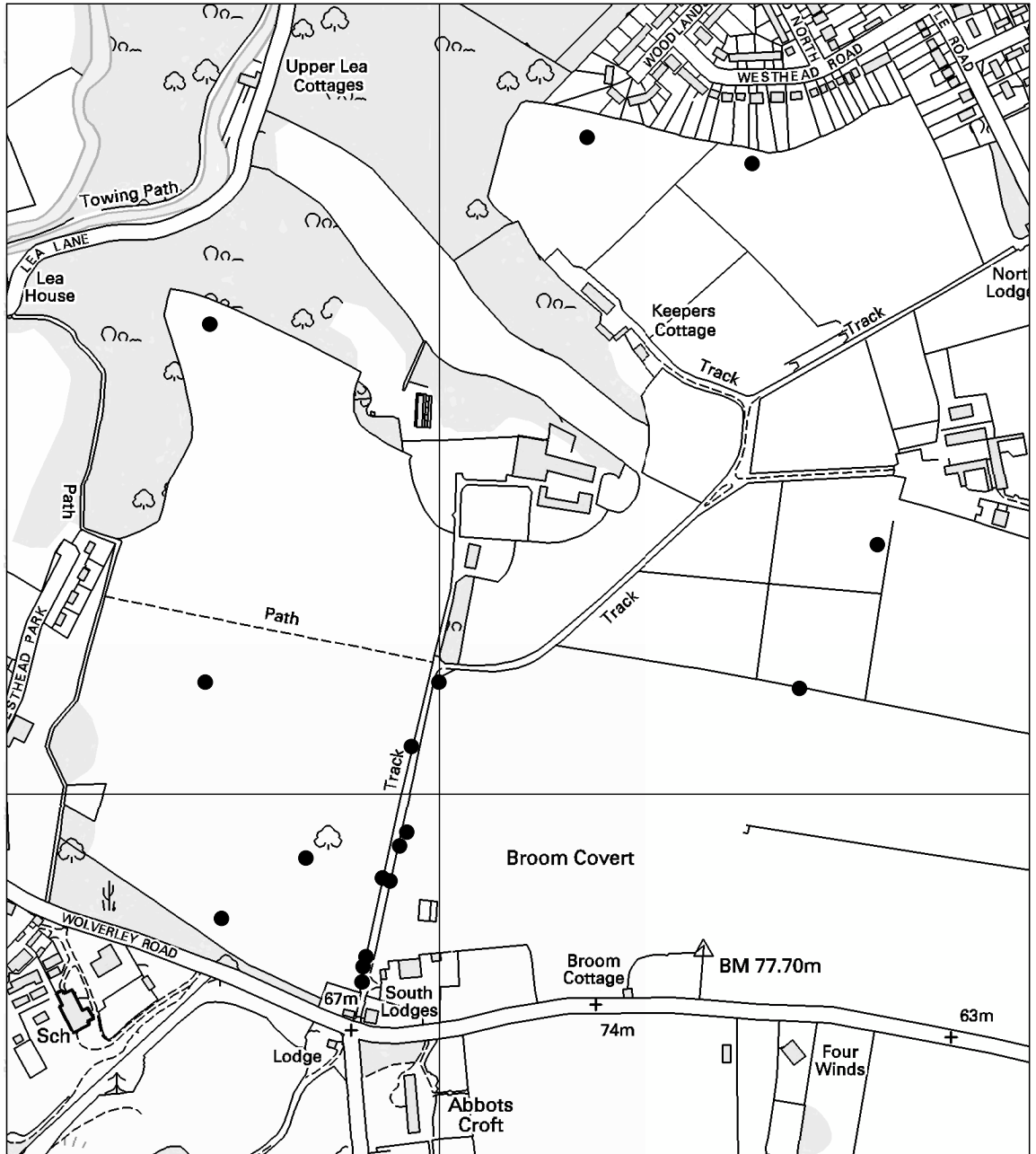
PLANNING (DEVELOPMENT CONTROL) COMMITTEE.

Date:- 19 December 2006

OS sheet:- SO8479

Scale:- 1:5500

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