

WYRE FOREST DISTRICT COUNCIL

PLANNING COMMITTEE
9TH FEBRUARY 2010

Land off Beaulieu Close, Kidderminster
Tree Preservation Order No. 339

OPEN	
DIRECTOR:	Director of Planning and Regulatory Services
CONTACT OFFICERS:	John Baggott – Extension 2515 John.Baggott@wyreforestdc.gov.uk Alvan Kingston – Extension 2548 Alvan.Kingston@wyreforestdc.gov.uk
APPENDICES:	Appendix 1 Location Map

1. PURPOSE OF REPORT

- 1.1 To determine whether Tree Preservation Order No. 339 relating to woodland on Land off Beaulieu Close, Kidderminster should be confirmed or not.

2. RECOMMENDATION

- 2.1 **That the Tree Preservation Order 339 be confirmed without modification.**

3. BACKGROUND

- 3.1 Following the felling works on land off Puxton Lane, Kidderminster in early 2009 concern rose for a section of woodland that runs parallel with Beaulieu Close, Kidderminster. Both areas of woodland are within the ownership of Morbaine Development Limited and there was concern that this area of woodland may also be subject to felling works.
- 3.2 As a result of this concern the Council's Arboricultural Officer carried out a site visit where it was decided expedient to make a new Tree Preservation Order ("TPO") in order to prevent any possible felling exercises that may have been planned.
- 3.3 A TPO was made and served on 11th November 2009 to protect the woodland.

4. KEY ISSUES

4.1 The area of woodland comprises trees of various sizes and conditions. However, as a small woodland block it has a high amenity value as it is clearly visible from a number of public vantage points, which include the bridle path that runs from Puxton Lane to Beaulieu Close, Beaulieu Close itself and Puxton Marsh Local Nature Reserve.

4.2 An objection to the TPO has been received from Hill Dickinson on behalf of Morbaine Development Limited, who are the owners of the land stating:

“The Woodland which is the subject matter of the Order is of poorer quality than the Woodland referred to in the Puxton Lane Order which my clients have already objected to. This area consists largely of scrub and small shrubby trees of little or no individual or general amenity value being mostly of self-seeded and with little or no screening value so far as the properties along Beaulieu Close are concerned”.

IN RESPONSE TO THE OBJECTION:

4.3 Whether the woodland is worthy of protection.

4.4 A Local Planning Authority has the right and responsibility under the Town and Country Planning Act 1990 to preserve trees and woodlands where it feels that it is expedient to do so.

4.5 When deciding whether a woodland is worthy of protection the Council utilises an amenity evaluation system to ensure a consistent approach in making TPO's and considering objections to TPO's. The system incorporates methods of evaluation similar to other recognised amenity valuation systems, and includes the three relevant criteria as identified in the 2000 publication of The Blue Book 'Tree Preservation Orders: a Guide to the Law and Good Practice'.

4.6 Firstly, visibility: the extent to which the woodland can be seen by the general public will inform the Council of whether its impact on the local environment is significant. All woodland which is the subject of a TPO is suitable candidates meeting this visibility criterion. As stated above the woodland is visible from various public vantage points.

4.7 Secondly, the impact: the mere fact that the woodland is publicly visible will not itself be sufficient to warrant a TPO. The Council must also assess the woodland's particular importance by reference to its potential as an amenity, taking into account any special factors such as the total coverage of woodland within the area and contribution to the character of the area. It should be noted that woodland orders do differ from TPOs on individual trees, as the condition of individual trees within the woodland do not need to be of a high quality. In addition all new trees that grow within the woodland will be covered by the TPO, therefore instead of looking at the quality of individual trees when assessing the condition and amenity of the woodland, it should be assessed as a whole and thought should also be given to the potential of the woodland

in the future as it develops to a climax ecosystem. The woodland provides significant amenity value in its own right and also when viewed alongside other groups of trees.

- 4.8 Thirdly, the wider impact: the significance of the woodland in their surrounding should also be assessed, taking into account how suitable it is to the particular settings as well as the presence of other trees and woodlands in the vicinity. The woodland that is subject to this objection offers good screening to people living on Beaulieu Close and is situated close to a Local Nature Reserve.

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 or policy implications arising directly as a result of this report.

7. RISK MANAGEMENT

- 7.1 There are no risk management issues arising from this report.

8. CONCLUSION

- 8.1 Officers consider that the objection has been fully considered in accordance with relevant legislative guidance and that the Tree Preservation Order should be confirmed.

9. CONSULTEES

- 9.1 None

10. BACKGROUND PAPERS

- 10.1 Tree Preservation Order No. 339 (2009)

PLANNING COMMITTEE

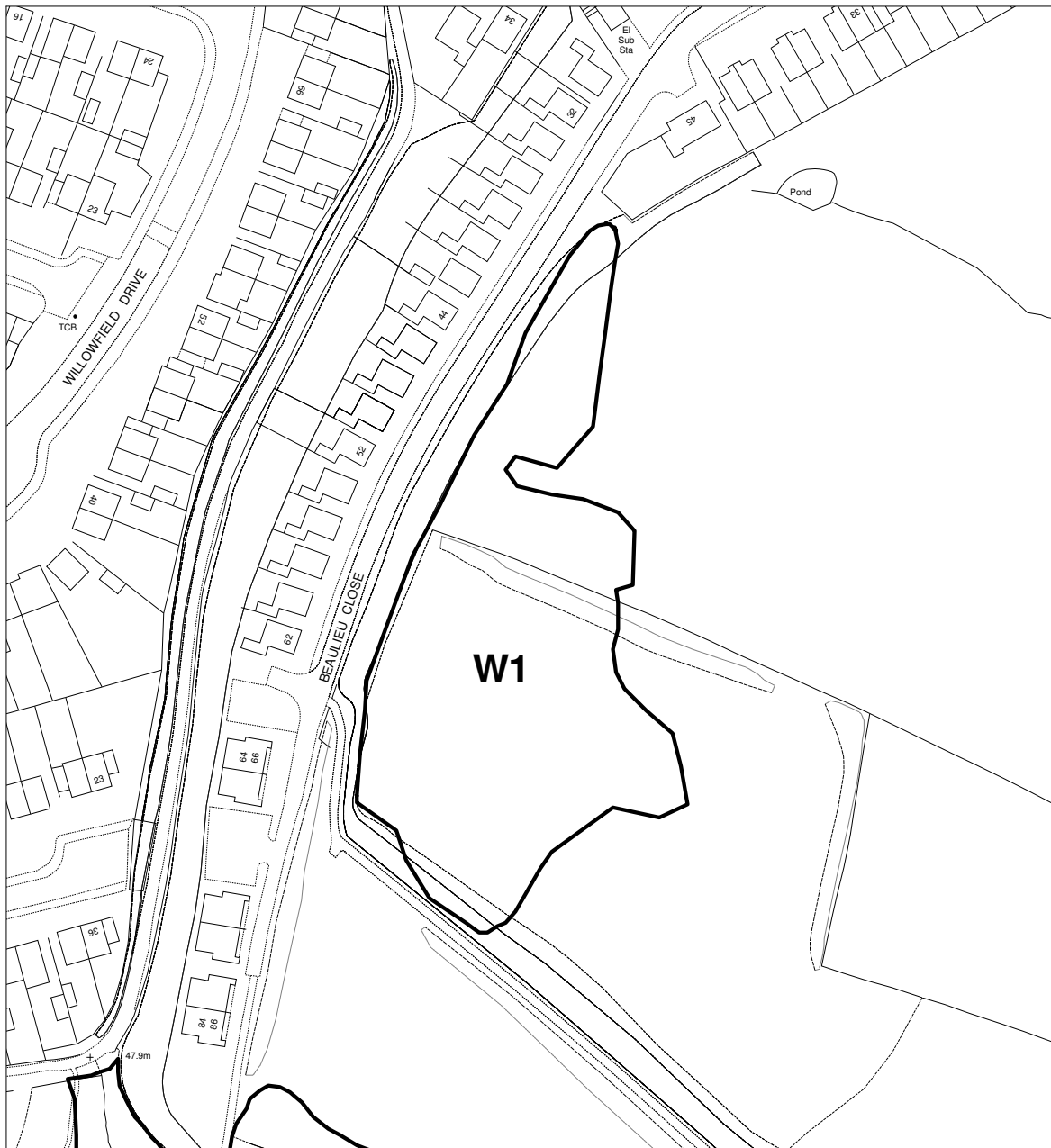
TPO 339

Date:- 28 January 2010

OS sheet:- SO8277NE

Scale:- 1:1250

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**PLANNING AND REGULATORY SERVICES DIRECTORATE
Land off Beaulieu Close
Kidderminster**



Duke House, Clensmore Street, Kidderminster, Worcs, DY10 2JX. Telephone: 01562 732928. Fax: 01562 732556