

WYRE FOREST DISTRICT COUNCIL**PLANNING COMMITTEE**
10TH AUGUST 2010**Land at 119 Kidderminster Road, Bewdley**
Tree Preservation Order No. 350

OPEN	
DIRECTOR:	Director of Planning and Regulatory Services
CONTACT OFFICER:	Alvan Kingston – Extension 2548 Alvan.Kingston@wyreforest.gov.uk
APPENDICES:	Appendix 1 - Location Map Appendix 2 - TEMPO Amenity Assessment

1. PURPOSE OF REPORT

- 1.1 To determine whether the Tree Preservation Order No 350 (2010) relating to a Sycamore tree on land at 119 Kidderminster Road should be confirmed or not.

2. RECOMMENDATION

- 2.1 **That the Tree Preservation Order No. 350 be confirmed without modification. Tree Preservation Order to include 1 No. Sycamore (T1)**

3. BACKGROUND

- 3.1 A planning application was submitted on 16th April 2010 for the construction of two new dwellings on land at 119 Kidderminster Road, Bewdley. As a result of this application a number of trees on the site would be lost or compromised. Most of the trees on the site are of poor quality, however an early mature Sycamore with high potential for future amenity value was singled out to be worthy of protection.
- 3.2 A Tree Preservation Order (TPO) was made and served on 6th May 2010 to protect the Sycamore tree within the site. In the meantime, the application to construct two dwellings and associated parking was withdrawn.

4. KEY ISSUES

- 4.1 The Sycamore is an early mature specimen that is clearly visible from the Kidderminster Road, Bewdley. Although the tree is not currently very imposing, it has the potential to be a prominent and important feature within the local landscape that will add to the amenity of the area.
- 4.2 An objection to the TPO has been received from the Agent in the form of an Arboricultural Assessment.
- 4.3 The objection is summarised below:
- The tree is well set back from the road and therefore any public views are distant and obtuse.

Agenda Item No. 8

- It cannot reasonably be argued that removal of this tree would '*have a significant impact on the local environment and its enjoyment to the public*'.
- The potential size of the tree is 30 metres tall and to have a 10 metre crown spread. The tree is only 4.5 metres from the gable end of 1 Habberley Road and is currently overhanging and shading the garden.
- The tree is also 6.1 metres from the boundary wall of no. 121 Kidderminster Road and is approximately 10 metres from the gable end of the house. The tree will cause increasing levels of shading to the house and garden.
- The tree appears to be self set, of a not particularly good form and of very common species.
- When assessed in a structured way, the tree clearly is not suitable for protection by a TPO.

Officer Comments

4.4 In response to the objections, the following comments are made:

- a) The tree is well set back from the road and therefore any public views are distant and obtuse
 - The tree is 13 metres from the Kidderminster Road and 15 metres from the Habberley Road. Although the views are a little obscured from the Habberley Road side of the tree, due to other trees in the vicinity, it is clearly visible from the Kidderminster Road side and as the tree grows into full maturity the extent of the crown will grow closer to the Kidderminster Road making it a very prominent and important tree.
- b) It cannot be reasonably be argued that removal of this tree would '*have a significant impact on the local environment to the public*'
 - Although the tree is currently small and some might argue insignificant, there is no minimum size of tree that can be preserved and as the tree is clearly visible from the public highway, officers therefore disagree with the above statement.
 - The TPO regulations state that a TPO can be made on a tree where the '*benefit is present or future*'.
 - Officers therefore feel that as this tree is visible from a public highway and has future benefit to the amenity of the area, its protection via a TPO is justified.
- c) The tree will become too large for its location and shade both house number 1 Habberley Road and 121 Kidderminster Road.
 - Officers dispute the claim that the tree is too close to the nearby properties and do not feel the tree will pose a threat to the structural integrity or safety of the nearby properties. Minor crown lifting and cutting back will allow the tree to retain in-situ for many years into the future.
- d) The tree appears to be self-set, of a very commonly species.
 - The fact that a tree is planted or self-set has no bearing on its desirability or suitability of being protected. There is no reference within the legislation that states that a tree has to be rare or has been planted to be worthy of a TPO. The only measure of whether a tree is indeed worthy of a TPO is its amenity value, whether present or future.

- e) When assessed in a structured way, the tree is clearly not suitable for protection by a TPO.
- The assessment of the suitability of this tree for a TPO was carried out using the TEMPO method, which was the same method used by the objector's Arboricultural consultant.
 - Officers agree with the amenity assessment. The tree is in a good condition.
 - The question of the trees retention span is one of the assessments that officers disagree with, as officers do not consider that the tree has less than 10 years of life expectancy left. It is an early mature tree which has more than 100 years of safe useful life expectancy.
 - The final assessment is the trees visibility and again officers disagree with the assessment given within the objection. Officers feel the tree is a medium sized tree that is clearly visible from a public place.
 - Officers feel the final score on whether this tree is worthy of retention is sufficiently high enough within the TEMPO method of appraisal to be defensible. A TPO is therefore justifiable.

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. RISK MANAGEMENT

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

8. EQUALITY IMPACT ASSESSMENT

- 8.1 There are no issues arising from the equality impact assessment.

9. CONCLUSION

- 9.1 Officers consider that the objections and representations have been fully considered and that the Tree Preservation Order should be made without modification.

10. CONSULTEES

- 10.1 None

11. BACKGROUND PAPERS

- 11.1 Tree Preservation Order No. 350

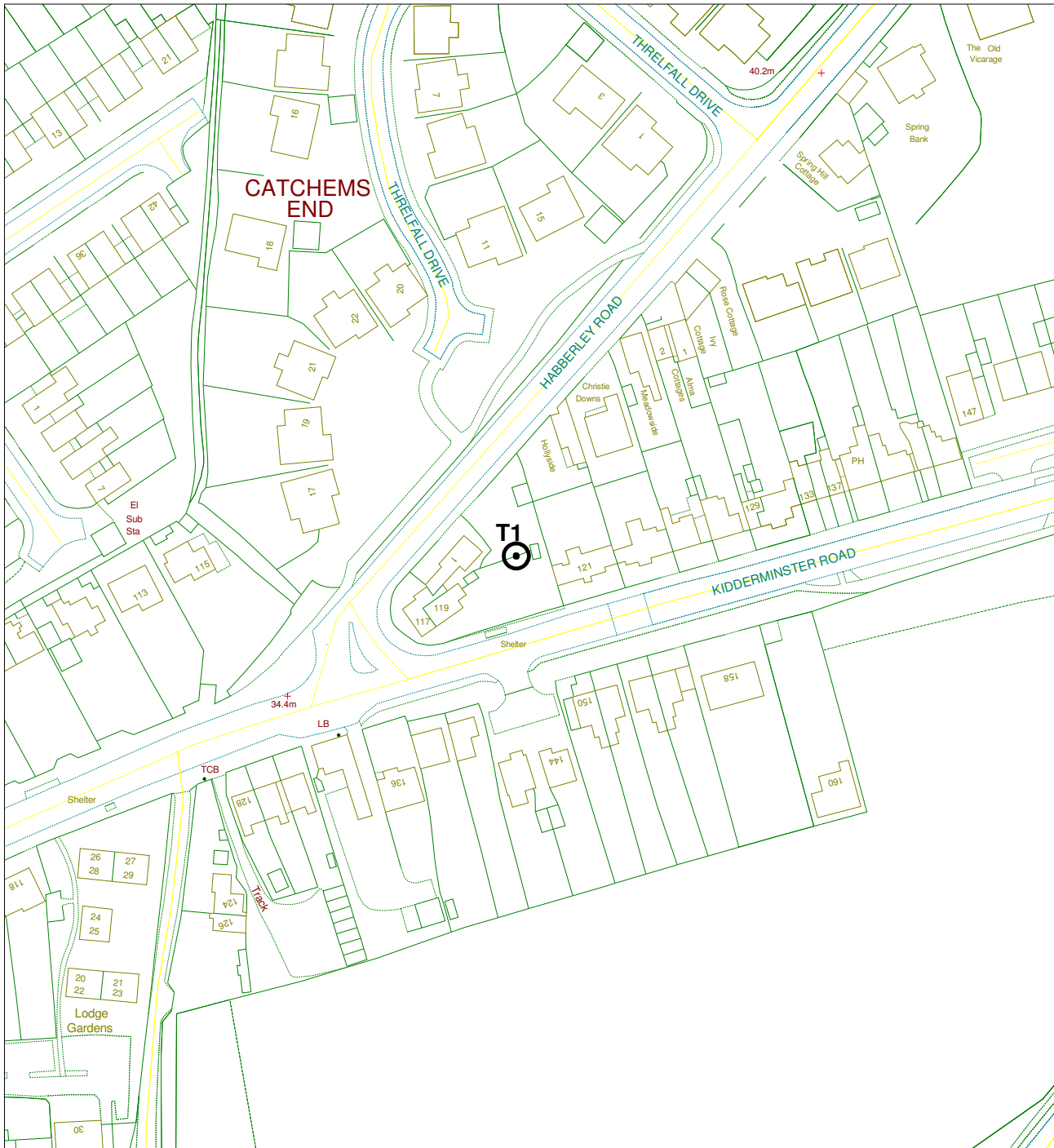
TPO LOCATION PLAN

Date:- 28 July 2010

OS sheet:- SO7975NE

Scale:- 1:1250

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Wyre Forest District Council

PLANNING AND REGULATORY SERVICES DIRECTORATE

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Bewdley**



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TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 4 May 2010 Surveyor: Alvan J. Kingston

Tree details
 TPO Ref (if applicable): _____ Tree/Group No: T1 Species: Sycamore
 Owner (if known): _____ Location: 119 Kidderminster Road.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead Unsuitable
- 0) Dying/dangerous* Unsuitable

Score & Notes
5

* Relates to existing context and is intended to apply to severe irremediable defects only

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Notes
5

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes
4

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:
14

Decision:
TPO