**PLANNING COMMITTEE – 20 October 2016**

**PART I - DELEGATED**

**5. Consideration of Objections and Confirmation of Three Rivers (Land Opposite Lakeview, Railway Terrace, Kings Langley) Tree Preservation Order 2016**

 (DCES)

1. **Summary**

1.1 To consider objections made in respect of the Three Rivers (Land Opposite Lakeview, Railway Terrace, Kings Langley) Tree Preservation Order 2016. This report sets out the officer’s recommendations to confirm this Order subject to modification to remove Group 1 and Group 2.

2. **Details**

2.1 The Three Rivers (Land Opposite Lakeview, Railway Terrace, Kings Langley) Tree Preservation Order 2016 (TPO864) was made on 2 August 2016. The Order was made in response to Planning Application 16/1500/OUT which requires the removal of a number of trees in order to facilitate the construction of 28 dwellings. The site which is the subject of 16/1500/OUT forms part of an allocated Housing Site H(1), and on adoption of the Site Allocations document in 2014 the site was removed from the Green Belt.

 The site is located to the south of the Kings Langley Lake which is identified as a County Wildlife Site. The eastern part of the site is covered by old hardstanding which dates from its previous use as part of the Abbots Printing Works on the opposite side of Railway Terrace. Beyond the hardstanding the site slopes down towards a sluice channel just outside the western boundary. This order protects 14 mature Alder trees and 18 younger Hawthorn trees. The Alder trees are situated in the S.W. third of the site and collectively are a significant landscape feature. Most of the Hawthorn trees are situated along the Railway Terrace frontage.

 In February 2015 a Pre-Application submission was made for this site. Two site layouts were proposed both of which required the removal of some of the trees, with one requiring more trees to be removed. Landscape comments were included in the Pre-Application Response which advised that it would be preferable to see more of the mature Alder trees retained in any formal Planning Application. The site layout that was submitted for 16/1500/OUT extends the developed area beyond that proposed in either of the Pre-Application layouts and requires the removal of most of the mature Alder trees within the site. The Three Rivers (Land Opposite Lakeview, Railway Terrace, Kings Langley) Tree Preservation Order 2016 was made to ensure that these trees become a material consideration for Planning Application 16/1500/OUT.

 TPO864 was made using the information included in the Arboricultural Report submitted in support of 16/1500/OUT. The Landscape Officer was allowed access to the site on 10 August and the two Alder trees within Group 2 were found to be in poor condition. The Hawthorn trees within Group 1 do collectively contribute to the street scene of Railway Terrace, however they are not significant enough to be considered a constraint on the development of the site. For these reasons it is recommended that TPO864 be modified to remove Group 1 and Group 2 from the order.

 An objection letter was received on 22 August 2016, copies of the letter have been circulated to Members of Planning Committee.

 Section 2.2 contains a brief summary of the points raised in the objection letter.

Section 2.3 contains the Officer response to each of the sub paragraphs in section 2.2.

2.2 **Officer Summary of Objections**

2.2.1 TPO864 prohibitively restricts the future development of an allocated site for housing within the Council’s adopted Local Plan.

2.2.2 Gade Developments commenced Pre-Application discussions and received a written response on 17 April 2015. Subsequently 16/1500/OUT was submitted with no indication from the Council that a TPO would be made.

2.2.3 16/1500/OUT was accompanied by an Arboricultural Report and an Outline Landscape Strategy. The Arboricultural Report notes that the site contains trees of varying quality and maturity which contribute to the character of the area. The report does not identify any Category A trees and it is acceptable to remove some of the trees to ensure adequate garden space.

2.2.4 Gade Developments have been proactive in engagement with the LPA and have not felled any trees during the pre-application period.

2.2.5 The TPO is inappropriate and unnecessary as tree mitigation can be controlled via planning conditions and/or legal agreement.

2.2.6 A site meeting was held with the Landscape Officer on 10 August and a number of observations were made regarding compromises on tree retention.

2.3 **Officer Response to Objections**

2.3.1 TPO864 ensures that the significant trees within the site become a material consideration in any planning application.

2.3.2 The Pre-Application Response included advice that ‘Any future proposals would need to realistically address the retention of all of the ‘B’ Category trees within the site’. The Arboricultural Report submitted in support of 16/1500/OUT states at 6.1 ‘not aware of any protected trees on site, although this could change at any time through the serving of a Tree Preservation Order by the local authority’. It is normal practice to serve a TPO in response to a planning application which requires the removal of significant trees.

2.3.3 TPO864 did not protect all of the trees within the site. It is recommended that the Order be modified to remove two groups of trees so that only the most significant trees within the site are protected. The submitted Outline Landscape Strategy did not adequately mitigate the proposed loss of trees within the site. This document has been revised twice since the objection letter was received.

2.3.4 It is true that some developers choose to clear trees from sites prior to seeking planning permission. This practice is frowned upon and would not be expected from a considerate Developer.

2.3.5 A Tree Preservation Order is the most appropriate tool to ensure the future protection of trees which are under threat. Planning Conditions and unspecified ‘legal agreements’ would not be sufficient or appropriate.

2.3.6 The objection letter makes it clear that Gade Property Developments has withdrawn some of the compromises which were discussed on 10 August. Tree retention or removal within the site is a matter for consideration in 16/1500/OUT.

3. **Options/Reasons for Recommendation**

3.1 There are three options available to the Committee:

1. Confirm the Order without modification.
2. Confirm the Order subject to modification to remove Group 1 and Group 2.

(c) Not to confirm the Order. This would mean that the tree/s would not be provided statutory protection and could be removed or worked on 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 (Land Opposite Lakeview, Railway Terrace, Kings Langley) Tree Preservation Order 2016 is confirmed subject to modification to remove Group 1 and Group 2.

 Report prepared by: Terence Flynn, Landscape Officer

 **Background Papers**

* TPO864 file

