**PLANNING COMMITTEE – 20 April 2017**

**PART I - DELEGATED**

**6. Consideration of Objections and Confirmation of Three Rivers (Dellwood and Rosecourt, Woodland Lane, Chorleywood) Tree Preservation Order 2017**

 (DCES)

1. **Summary**

1.1 To consider objections made in respect of the Three Rivers (Dellwood and Rosecourt, Woodland Lane, Chorleywood) Tree Preservation Order 2017. This report sets out the officer’s recommendations to confirm this Order.

2. **Details**

2.1 On 6 February 2017 Three Rivers District Council were contacted by a resident of Woodland Lane to report that a mature Oak tree had been removed from the grounds of ‘Dellwood’ over the weekend.

The Three Rivers (Dellwood and Rosecourt, Woodland Lane, Chorleywood) Tree Preservation Order 2017 (TPO873) was made on 9 February 2017 protecting a number of trees predominantly within the grounds of ‘Dellwood’, Woodland Lane and some in the grounds of ‘Rosecourt’, Woodland Lane.

 ‘Dellwood’ and ‘Rosecourt’ are situated on Woodland Lane which is a private road accessed from Common Road, Chorleywood. The two properties are within the Metropolitan Greenbelt and Chilterns AONB on the western edge of Chorleywood adjacent to agricultural land. The curtilage of ‘Dellwood’ slopes steeply down towards the N.W. The trees protected by this order are prominent features of the landscape when viewed from the west.

 A Planning Condition relating to 11/1589/FUL which prohibits the felling or pruning of trees within the grounds of ‘Dellwood’ will remain in force until 2018. Three Rivers District Council will be seeking replacement planting for the trees which have been removed in breach of this condition. The Three Rivers (Dellwood and Rosecourt, Woodland Lane, Chorleywood) Tree Preservation Order 2017 (TPO873) has been made to ensure that further trees are not removed from the grounds of ‘Dellwood’.

 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 T1, two trees in G2 and trees forming the W1 projection along the S.W. boundary of Dellwood have insufficient public visibility to warrant protection by a TPO. The tests set out in the Planning Practice Guidance have not been passed. Their loss would not have ‘a significant negative impact on the local environment’.

2.2.2 Two trees in G2 and trees in the projection of W1 are of insufficient condition and quality to justify protection by a TPO.

2.2.3 A woodland designation TPO is inappropriate in a garden setting. The TPO should be varied to a Group designation.

2.3 **Officer Response to Objections**

2.3.1 T1, two trees in G2 and trees forming the W1 projection along the S.W. boundary of Dellwood are visible from the public footpath (Chorleywood 014) which runs from Chorleywood Common and along the S.W. boundary of the field adjacent to ‘Dellwood’ and ‘Rosecourt’. T1 and G2 are visible on the higher ground at the S.E. corner of ‘Dellwood’. The trees in the W1 projection are also visible.

2.3.2 The two trees in G2 and those in the projection of W1 are not protected as individuals. Their value is as part of a collective feature of the landscape. The ‘poor form’ described in the objection is of less significance in trees which are not protected as individuals. None of the growth defects described in the objection are sufficient to exempt the trees from protection by a TPO.

2.3.3 The Planning Practice Guidance (PPG) states that it is ‘unlikely to be appropriate to use the woodland classification in gardens’. It is therefore possible that it may be appropriate in exceptional circumstances. The gardens of ‘Dellwood’ and ‘Rosecourt’ are adjacent to agricultural land and the wooded area extends for more than 60m along this N.W. boundary. It is reasonable to assume that both ‘Woodland Lane’ and ‘Dellwood’ owe their names to the wooded area which is the subject of this Woodland TPO. The properties in close proximity to Chorleywood Common are characterised by large curtilages with buildings of individual character in a semi-rural setting. A woodland TPO in this exceptional location should be considered appropriate.

3. **Options/Reasons for Recommendation**

3.1 There are two options available to the Committee:

1. That the objection be noted but the order be confirmed without modification.
2. That the order be confirmed subject to the modifications and variations suggested in the objection. Remove T1 and G2 and change W1 to a group classification with a reduced area on the plan.
3. 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 (Dellwood and Rosecourt, Woodland Lane, Chorleywood) Tree Preservation Order 2017 is confirmed without modification.

 Report prepared by: Terence Flynn, Landscape Officer

 **Background Papers**

* TPO873 file

