

**BROMSGROVE DISTRICT COUNCIL**

**MEETING OF THE PLANNING COMMITTEE**

**WEDNESDAY, 20TH DECEMBER 2017, AT 4.00 P.M.**

PRESENT: Councillors R. J. Deeming (Chairman), C. Allen-Jones, M. T. Buxton, C.A. Hotham, S. R. Peters, S. P. Shannon and M. A. Sherrey

Officers: Ms. C. Flanagan, Mrs. T. Lovejoy, Mr. G. Boyes and Mrs. P. Ross

52/17

**APOLOGIES**

Apologies for absence were received on behalf of Councillors S. J. Baxter, P. L. Thomas and C. J. Spencer.

53/17

**DECLARATIONS OF INTEREST**

No declarations of interest were made.

54/17

**TREE PRESERVATION ORDER (11) 2017 - TREES ON LAND ADJACENT TO 73 LINTHURST NEWTOWN, BLACKWELL**

The Committee considered a report which detailed proposals to confirm, with modification, Tree Preservation Order (No 11) 2017, relating to trees and woodland on land adjacent to 73 Linthurst Newtown, Blackwell.

The Chairman drew Members' attention to the Supplementary Documentation agenda pack which contained the published Update Report and the proposed revised schedule and map for the TPO at Appendix 2 to the report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting.

With the agreement of the Chairman, the Council's Principal Solicitor explained to the Committee that, the report was a substantial report and was being presented to the Committee further to a number of legal and arboreal issues since the original Tree Preservation Order was made on 4th July 2017. The presentation of the report would therefore be led by the Council's Planning Lawyer with assistance from the Council's Senior Tree Officer.

The Council's Planning Lawyer informed the Committee that the members were tasked with making their decision in accordance with the relevant legal tests as set out in the report as well as the relevant guidance. The report contained responses to the legal issues and those issues would be further addressed in the course of any future litigation.

The focus of members, as far as the legal issues were concerned, was to confirm a tree preservation that was not unlawful.

The Council's Planning Lawyer, explained to the Committee that further correspondence had been received from the objector's solicitors, and referred Members to page 1 in the Update Report; which summarised the objector's representations and details of the trees in dispute, i.e. the trees which the objectors submitted should be removed prior to confirmation of the TPO but which, in the tree officer's view, should remain in the order. Members were asked to consider all the trees in the TPO and not just the trees in dispute.

Members were asked to note the following:

- Page 2 in the Update Report, (column one, tree reference in chart of trees in dispute), G5 should be amended to read G4, Oak, Ash, Holly.
- References in the Committee Report to Linthurst Road should be amended to read Linthurst Newtown.

The Chairman agreed to an adjournment which members used to review the amendments made verbally by the Council's Senior Tree Officer, to the photographs as detailed at Appendix 9 in the report. The amendments to Appendix 9 were made to reflect the revised TPO schedule and to correct some errors relating to the labelling of the photographs.

The meeting stood adjourned from 17:40 hours to 17:46 hours.

Having re-convened Officers provided clarification on matters raised by the Committee with regard to the order, its compatibility with the consent order at Appendix 11 to the report and the objector's representations, including consideration of the report produced on behalf of the objectors at Appendix 3 to the report.

Officers responded to questions from Members with regards to the Amenity and Expediency tests, including the public visibility of the trees and the Tree Evaluation Method for Preservation Orders (TEMPO).

**RESOLVED** that Tree Preservation Order (No 11) 2017, relating to trees and woodland on land adjacent to 73 Linthurst Newtown, Blackwell, be confirmed with modifications as detailed in the Plan and Schedule of the proposed Modified Order (Revised Appendix 2) to the report; and the additional modification as agreed by Members during the course of the meeting, namely to remove tree reference G4 from the Plan and Schedule of Modified Order (Revised Appendix 2) to the report.

The meeting closed at 6.41 p.m.

Chairman