



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

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

PARKSIDE SUITE - PARKSIDE, MARKET STREET, BROMSGROVE, B61 8DA

SUPPLEMENTARY DOCUMENTATION

The attached Updates (agenda item 3) were specified as "to follow" on the Agenda previously distributed relating to the above mentioned meeting.

Attached is a **Revised** Appendix 2, which replaces Appendix 2 previously issued with the main agenda pack for Tree Preservation order (11) 2017

3. Updates to planning applications reported at the meeting (to be circulated prior to the start of the meeting) (Pages 1 - 4)
4. Tree Preservation Order (11) 2017 - Trees on land adjacent to 73 Linthurst Newtown, Blackwell (Pages 5 - 8)

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

19th December 2017

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**Bromsgrove District Council
Planning Committee**

Committee Updates

20 December 2017

**Tree Preservation Order (No. 11) 2017
Trees on Land adjacent to 73 Linthurst, Newton, Blackwell**

**TREES IN DISPUTE AND SUMMARY OF FURTHER CORRESPONDENCE FROM
HARRISON CLARK RICKERBYS SOLICITORS DATED 14TH DECEMBER 2017**

Chart of trees in dispute

Tree reference in revised schedule	Council's assessment	Objector's representations
T6 Oak	Fair condition; 100+ longevity; limited views of public visibility; tree does not contain 'other factors' listed in TEMPO; foreseeable threat to tree	Good condition; 100+ longevity; not publicly visible; tree does not contain 'other factors' listed in TEMPO; perceived threat to tree; Possibly justifiable but insufficient public visibility
T7 Silver Birch	Fair condition; 40- 100 longevity; publicly visible with difficulty: tree does not contain 'other factors' listed in TEMPO; perceived threat to tree	Fair condition; 20 – 40 longevity (suitable); publicly visible with difficulty; tree does not contain 'other factors' listed in TEMPO; perceived threat to tree; weak fork structure
T8 Silver Birch	Fair condition; 40 – 100 longevity; publicly visible with difficulty; tree does not contain 'other factors' listed in TEMPO; foreseeable threat to tree	Good condition; 20 – 40 longevity (suitable); not publicly visible; tree does not contain 'other factors' listed in TEMPO; perceived threat to tree; Possibly justifiable but insufficient public visibility
T11 Ash	Fair condition; 40-100 longevity; publicly visible with limited views; tree does not contain 'other factors' listed in TEMPO; foreseeable threat to tree	T12 in O's schedule and provisional order: Fair condition; 20-40 longevity (suitable); publicly visible with limited views; tree does not contain 'other factors' listed in TEMPO; perceived threat to tree
T13	T13 is the same tree as T25 in the consent order. The reason	T14 in O s schedule and provisional order: O's tree

Agenda Item 3

Tree reference in revised schedule	Council's assessment	Objector's representations
	<p>for the difference in grid numbers is because a new survey was undertaken prior to the current order and the grid references were assigned after visual assessment</p> <p>Fair condition; 40 – 100 longevity; publicly visible with limited views; tree does not contain 'other factors' listed in TEMPO; foreseeable damage</p>	<p>consultant has not asked for this to be removed but O's solicitor has asked for this to be removed on the grounds that it breaches the consent order. Their reason is that T13 has a different grid reference to that in the consent order and as there are two other holly trees in the vicinity of T12 and T13, it must be that, with the change in grid reference, T13 is a different tree to that referenced in the consent order. The reason is set out in more detail in Harrison Rickerby Clark's letter of 4th December 2017</p> <p>Fair condition; 40 – 100 longevity; clearly visible to the public; tree does not contain 'other factors' listed in TEMPO; perceived threat to public.</p>
G5	<p>Fair condition; 40-100 longevity; publicly visible with difficulty; trees do not contain 'other factors' listed in TEMPO; foreseeable threat to tree</p>	<p>G6 in objector's schedule and provisional order: Fair condition; 40-100 longevity; publicly visible with difficulty; not publicly visible; trees do not contain 'other factors' listed in TEMPO; perceived threat to trees; borderline justifiable; not possible to view trees from public area; small and unremarkable specimens</p>
W1	<p>Fair condition; 40 – 100 longevity; publicly visible with difficulty; trees do not contain 'other factors' listed in TEMPO; foreseeable threat to tree</p>	<p>Fair condition; 40-100 longevity; publicly visible with difficulty; trees do not contain 'other factors' listed in TEMPO; perceived threat to trees; assessment of each tree in Barton Hyett's report in appendix 3 starting on page 89 of the report pack.</p>

Summary of HRC letter of 14th December 2017

Agenda Item 3

Complaint	Response/resolution
G1 area extended to the east in appendix 2 modified map	In reducing G1, the area was accidentally extended to the east. Although the extended area does not contain any trees, the area has been reduced in the updated map attached to this update
Breach of consent order by including T13	Officers do not agree there is a breach; T13 is the same tree as T25 in the consent order as explained in the table above
Failure to relabel photographs in appendix 9 causes confusion and entering properties to obtain pictures without consent (trespass)	Officers will explain which trees in the photographs in appendix 9 are contained in the latest modified order verbally at the meeting. The issue of trespass has been dealt with in the report
<p>Failure to adequately update the report and provide a revised assessment stating the reasons for the retention of the trees</p> <p>No concept of personal amenity to views from private gardens must be disregarded</p>	<p>The TEMPO report and review at appendix 15, together with the report and the chart above provides adequate reasons with the regards to the trees in the revised TPO. Officers can answer any questions that members have at the committee meeting.</p> <p>Issue previously raised and dealt with in report</p>
Failure to correct legal errors (as alleged by O) in the report and risk that previous report will taint members decision	Issue previously raised and dealt with in the report. Officers would ask that members focus on the present report and not the report for the November 2017 meeting where decision was deferred
Actual or apparent bias of officers based on statement in previous report and trespass	Dealt with in the report and issue previously raised
Failure to disclose document, as part of litigation, and information as to who was notified of the TPO, failure to respond to letter before claim	Dealt with in the report/ previously raised/ irrelevant to members' decision

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First Schedule

Trees specified individually

(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Ash	399729 - 272428	Near left boundary
T2	Ash	399703-272485	Centre left side of site
T3	Ash	399686-272495	Near left boundary
T4	Ash	399677-272503	Near left boundary
T5	Horse Chestnut	399739-272421	Near left front boundary With Linthurst Newtown.
T6	Oak	399698- 272582	Near right boundary
T7	Silver Birch	399704-272544	Centre site
T8	Silver Birch	399714-272551	Centre site
T9	Ash	399737-272563	Right boundary of site
T10	Sycamore	399761-272527	Right boundary of site
T11	Ash	399764-272521	Right boundary of site
T12	Holly (Single stem tree)	399790-272479	Right boundary of site
T13	Holly (Single stem tree)	399792-272478	Right boundary of site
T14	Sycamore	399765-272484	Right side of property
T15	Yew	399759-272493	Right side of property

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
G1	1 x Horse Chestnut, 1 x Oak, 3 x Lawsons Cypress 1 x Spruce	399751-272434	Front boundary with Linthurst Newtown road
G2	2 x Horse Chestnut 3 x Beech 1 x Birch, 6 x Sycamore All Trees with a main stem Diameter at 1 metre above Ground level greater than 230mm	399729-272512	Centre of site
G3	3 x Silver Birch	399697-272574	Near right boundary
G4	1x Oak, 1x Holly 1x Ash	399686-272549	Centre of site

Trees specified by reference to an area

(within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
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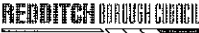


NONE

Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
W1	Mixed native Species woodland	399639-272584	North-eastern end of site



  www.redditchbc.gov.uk	 Bromsgrove District Council www.bromsgrove.gov.uk	Project: Bromsgrove District Council Tree Preservation Order (11) 2017	Drawn: G.B.	Engineering and Design Services Town Hall Walter Stranz Square Redditch Worcs B98 8AH
		Drawing: Land Adjoining 73 Linthurst Newtown Blackwell	Scale: 1/1250 @ A4	
		Drawing No: Page 7 of 0000/0		Date: 14/12/2017

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