

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 6th December 2010

NON-CONFIRMATION OF TREE PRESERVATION ORDERS (NO. 2), (NO. 6), (NO. 8), (NO. 10) AND (NO. 12) 2009

Relevant Portfolio Holder	Mrs. J. Dyer M.B.E.
Relevant Head of Service	Head of Planning and Regeneration

1. SUMMARY OF PROPOSALS

1.1 The Committee is asked to consider the non confirming of **five** Tree Preservation Orders in accordance with Regulation of the Town and Country Planning (Trees) Regulations 1999.

- TPO (2) 2009 - trees on land at and adjoining 64 Worcester Road, Hagley.
- TPO (6) 2009 - trees on land at the rear of 21 May Lane, Hollywood, Wythall
- TPO (8) 2009 - trees on land at the rear of New Road and Woodleaves, Hollywood, Wythall.
- TPO (10) 2009 - trees on land at 25, Sycamore Drive, Hollywood, Wythall.
- TPO (12) 2009 - trees on land at Pumping Station, Brake Lane, Hagley.

2. RECOMMENDATION

2.1 That the Committee approves the “non confirmation” of the following Tree Preservation Orders:

- i) TPO (2) 2009 - trees on land at and adjoining 64 Worcester Road, Hagley
- ii) TPO (6) 2009 - trees on land at the rear of 21 May Lane, Wythall.
- iii) TPO (8) 2009 - trees on land at the rear of New Road and Woodleaves, Hollywood, Wythall.

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- iv) TPO (10) 2009 - trees on land at 25 Sycamore Drive, Hollywood, Wythall.
- v) TPO (12) 2009 - trees on land at Pumping Station, Brake Lane, Hollywood

3. BACKGROUND AND KEY ISSUES

The provisional Tree Preservation Orders listed above were made in provisional form in 2009. After allowing a minimum of 28 days for those people affected by the Order to make representations, the trees would normally then have been reviewed to assess their merit and in response to any points raised by any parties affected. A report and recommendation would then be made to confirm, amend or revoke the provisional Order within 6 months of being made.

For the reasons set out in the Woodland Officer's report these Provisional Tree Preservation Orders were not confirmed within the six month provision period. As such the Provisional Orders have all expired and are therefore non enforceable. In accordance with the Secretary of States guidance, it is recommended that the expired Provisional Orders are formally certified as "not confirmed" and formally removed from the Local Land Charges Register.

In relation to all of the Provisional Orders the Woodland Officer will in due course seek to make fresh Tree Preservation Orders and this process will allow all affected parties an opportunity to raise any objections or representation they have in relation to the new Orders. This will also ensure that any new land owners who were unaware of the previous Order will have an opportunity to comment.

A new Tree Preservation Order can not be made until the current, expired Provisional Order has been certified as a "Non Confirmation". The committee is therefore asked to determine that each of the Provisional Orders should be certified as not confirmed. The committee is not asked to make any determination in relation to new Tree Preservation Orders such considerations will be made by the Woodland Officer under delegated powers.

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TPO (2) 2009 - Trees on land at and adjoining 64 Worcester Road, Hagley.

- 3.1 On the 21st May 2009 a provisional Tree Preservation Order was made in relation to two trees, on frontage of 64 Worcester Road Hagley, and at the rear of 4 South Road, Hagley.
- 3.2 The Woodland Officer has reviewed this matter and in his opinion the Cedar tree is “an excellent example of a relatively rare species and due to its size and location is highly visible and significant in the street scene of this southerly approach to Hagley”
- 3.3 In relation to the Oak tree it “is a good example of it’s species and has considerable value for screening, biodiversity and general amenity of the area”
- 3.4 An objection was received during the consultation period, and when the new Tree Preservation Order is made, all affected parties will again be afforded the right to object or make representations.

TPO (6) 2009 -Trees on Land at the rear of 21 May Lane, Hollywood, Wythall.

- 3.5 On the 12th August 2009 a provisional Tree Preservation Order was made in relation to one Oak tree situated on land at the rear of 21 May Lane, Wythall. In the opinion of the Woodland Officer, the tree is a “ good example of the mature oaks that are a characteristic feature of the Wythall landscape”.
- 3.6 There were two objections received during the consultation period, and when the new Tree Preservation Order is made, all affected parties will again be afforded the right to object or make representations.

TPO (8) 2009 -Trees on land at the rear of New Road and Woodleaves, Hollywood, Wythall.

- 3.7 On the 2nd September 2009 a Provisional Tree Preservation Order was made in respect of an area order to cover “all trees of whatever species within the area” defined as land at the rear of New Road, and Woodleaves, Hollywood, Wythall.
- 3.8 The Woodland Officer has carried out some site visits and considers a full assessment and review of this area is necessary. Allowing the current Order to be marked as “not confirmed” would enable the full assessment to

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take place and a new Tree Preservation Order to be made covering only those trees which merit protection.

- 3.9 One objection was received during the consultation period, and when the new Tree Preservation Order is made, all affected parties will again be afforded the right to object or make representations.

TPO (10) 2009 -Trees on land at 25 Sycamore Drive, Hollywood, Wythall.

3.10 On the 23rd October 2009 a provisional Tree Preservation Order was made in relation to two oak trees on land at 25 Sycamore Drive, Hollywood, Wythall.

3.11 The Woodland Officer describes the trees as “good examples of their species and contribute significantly to the amenity of the property and local street scene...”

3.12 Although no objections were received in relation to this Provisional Tree Preservation Order it is still appropriate to formally certify this Provisional Order as “not confirmed” to allow a new Tree Preservation Order to be made.

TPO (12) 2009 -Trees on land at 25 Sycamore Drive, Hollywood.

3.13 On the 22nd December 2009 a Provisional Tree Preservation Order was made in respect of an area order to cover “all trees of whatever species within the area” defined as land at the Pumping Station, Brake Lane, Hagley.

3.14 The Woodland Officer describes this as a “blanket area classification”, and in due course it is his intention to carry out a detailed assessment of the site to identify those trees which merit protection by way of a new Tree Preservation Order.

3.15 One objection was received during the consultation period, and when the new Tree Preservation Order is made, all affected parties will again be afforded the right to object or make representations.

4. FINANCIAL IMPLICATIONS

4.1 There are no financial implications.

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5. LEGAL IMPLICATIONS

- 5.1 This course of action is in accordance with the Town and Country Planning (Trees) Regulations 1999 and in particular Regulation 7 thereof.

6. POLICY IMPLICATIONS

- 6.1 None

7. COUNCIL OBJECTIVES

- 7.1 Council objective 4 - Environment, Priority CO4 - Planning

8. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

- 8.1 There are no significant risks associated with the details included in this report

9. CUSTOMER IMPLICATIONS

- 9.1 The parties affected by the non confirmation will be notified of the decision of the Committee and the Provisional Tree Preservation Order will be removed from the Land Registry records.

- 9.2 It is intended that any new Tree Preservation Orders are served at the same time as the Non Confirmation with a covering letter fully explaining the process that has been applied.

10. EQUALITIES AND DIVERSITY IMPLICATIONS

- 10.1 None.

11. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

- 11.1 None.

12. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

- 12.1 None

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13. HUMAN RESOURCES IMPLICATIONS

13.1 None

14. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

14.1 None

15. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

15.1 None.

16. HEALTH INEQUALITIES IMPLICATIONS

16.1 None.

17. LESSONS LEARNT

17.1 None.

18. COMMUNITY AND STAKEHOLDER ENGAGEMENT

18.1 The Committee's decision will be notified to all those affected by the original Order.

19. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Chief Executive	No
Executive Director (S151 Officer)	No
Executive Director - Leisure, Cultural, Environmental and Community Services	No
Executive Director - Planning and Regeneration, Regulatory and Housing Services	No

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Director of Policy, Performance and Partnerships	No
Head of Service	Yes
Head of Resources	No
Head of Legal, Equalities and Democratic Services	Yes
Corporate Procurement Team	No

20. WARDS AFFECTED

TPO (2) 2009 Worcester Road Hagley
Wards affected: Furlongs

TPO (6) 2009 21 May Lane, Hollywood Wythall
Wards affected: Hollywood and Majors Green

TPO (8) 2009 New Road and Woodleaves, Hollywood Wythall
Wards affected: Hollywood and Majors Green

TPO (10) 2009 25 Sycamore Drive, Hollywood, Wythall
Wards affected: Drakes Cross and Walkers Heath

TPO (12) 2009 Pumping Station, Brake Lane, Hagley.
Wards affected : Hagley

21. APPENDICES

Appendix 1 - Report from the Woodland Officer

22. BACKGROUND PAPERS

None

23. KEY

N/A

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