

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date: 16th July 2007

TREE PRESERVATION ORDER (No.2) 2007

Responsible Portfolio Holder	Councillor Mrs Jill Dyer MBE
Responsible Head of Service	Head of Planning and Environment Services

1. SUMMARY

- 1.1 Consideration of Tree Preservation Order (No.2) 2007

2. RECOMMENDATION

- 2.1 It is recommended that the Order be confirmed without modification on the basis that the trees provide special amenity value

3. BACKGROUND

On the recommendation of the Council's Tree Officer, this emergency Tree Preservation Order was made to protect the Yew tree in the rear garden near the boundary between Nos. 18 and 16a Littleheath Lane as it was considered to be at risk of being felled.

The tree is an English Yew of approx. 10m in height and with a trunk girth of approx. 60cm. Yews are notoriously difficult to age but as they are extremely slow growing, it is likely that this size of tree is somewhere in the region of 300 years old. Although there is some sign of recent drought damage, it shows good general health and vigour and may be expected to live for as much as another 1000 years.

An objection was received from the neighbour, Mr Caseley, at No. 16a Littleheath Lane. Mr Caseley contends as follows:-

"This tree is not in the ebst condition as there is a fair amount of dead wood from about half way up to the top. A couple of years ago there was a very large section that broke away and fell on my vegetable garden narrowly missing my greenhouse and now , when there are strong winds, we are fearful of a re-occurrence. It has also been suggested by drainage experts when clearing sewage blockages from No.18 which adjoins the dweage outlets on our property that the roots of the tree may have contributed to the cause of the said blockages."

The Council's Tree Officer re-inspected the site following such objection and has reported as follows:-

"Concerns over Tree Safety:-

Having inspected the tree, I can see no evidence to suggest that it is in a dangerous condition. The dead wood to which Mr Caseley refers would appear to be a single dead limb on the southern side of the canopy. Although dead, this limb would appear to still be at least partially attached to the tree and is well caught up by the remaining branches. In the, therefore, unlikely event that it falls it would land in the garden of No 18 rather than Mr Caseley's property. The removal of such deadwood is permitted without reference to the TPO and therefore should be addressed by the owner of No. 18. I could see no evidence of decay in the trunk of the tree or other damage to the canopy and, given the high resistance of Yew wood to such decay, have no reason to suspect that this is present in any quantity which may pose a problem. Given the above factors and also considering that the tree is highly exposed to winds from the South, I would suspect that the incident that Mr Caseley describes was due to storm damage rather than any specific defects with the tree.

Alleged blockage of drains

Where drains are already broken and/or leaking, it would be entirely probable if not expected that tree roots will find their way in to exploit the nutrients and moisture within. Trees roots do not have the ability to penetrate drains that are already intact. If the drains are already leaking then their repair will be required anyway and such works using modern methods will prevent future root incursion. In this case, however, it is merely suggested that roots may have been present within the drains. No evidence has been presented to actually support this suggestion.

4. FINANCIAL IMPLICATIONS

4.1 None

5. LEGAL IMPLICATIONS

5.1 Town and Country Planning (Trees) Regulations 1999

6. CORPORATE OBJECTIVES

6.1 To provide a clean safe and attractive environment

6.2 To protect and improve our environment

7. RISK MANAGEMENT

7.1 There are no anticipated risks

8. CUSTOMER IMPLICATIONS

8.1 None

9. OTHER IMPLICATIONS

Procurement Issues	None
Personnel Implications	None
Governance/Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	Trees not considered to be at risk
Policy	None
Environmental	Amenity Value
Equalities and Diversity	None

10. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Acting Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	No
Head of Financial Services	No
Head of Legal & Democratic Services	No
Head of Organisational Development & HR	No
Corporate Procurement Team	No

12. BACKGROUND PAPERS

None

CONTACT OFFICER

Name: Steve Jones
E Mail: steve.jones@bromsgrove.gov.uk
Tel: (01527) 881321