

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 18th April 2011

Tree Preservation Order (No. 15) 2010 - Trees on land at Aldi / former BGW site, Sherwood Road, Bromsgrove

Relevant Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Relevant Head of Service	Head of Planning and Regeneration Services
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation of Tree Preservation Order (No.15) 2010 relating to trees on land at Aldi/Former BGW site on Sherwood Road, Bromsgrove.

2. RECOMMENDATIONS

- 2.1 **It is recommended that Tree Preservation Order (No.15) 2010 is confirmed without amendment.**

3. BACKGROUND

- 3.1 On the 8th November 2010 a provisional Tree Preservation Order was made in relation to trees on land at Aldi/Former BGW site on Sherwood Road, Bromsgrove.
- 3.2 The Order was made to protect the trees as they contributed significantly to the amenity in the area.
- 3.3 Notification of the Order was given to all persons in the surrounding area and all who could be affected by the making of the order.
- 3.4 The Tree Preservation Order was made on a temporary basis on the 8th November 2010 and remains in force until the 8th May 2011.
- 3.5 One letter of objection has been received and a copy is attached as **Appendix A**. The objection was submitted on behalf of the landowner.

The objection sets out the following issues:

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- (1) The reason for making the order on the basis the trees provide special amenity value is not justified through the proper procedure of consideration and
- (2) The order is contrary to government advice. The current government advice about the creation and service of tree preservation orders...."

The objection goes on to state,

"In relation to individual impact the mere fact that a tree is publicly visible will not in itself be sufficient to warrant a TPO the LPA should also assess the trees particular importance by reference to its size and form, its future amenity potential, take into account any special features such as rarity, value as a screen or contribution to the character or appearance of a conservation area. The area is not within a conservation area and therefore the justification for TPO tree reference no T6, T7, T8, T9, T10 and T11 and T12 questionable. Wider impact again needs to be questioned as to whether T6, T7, T8, T9, T10, T11 or T12 justify a preservation order."

3.6 The Tree and Woodland Officer's comments are as follows:

"The trees on the site provide a valuable screening and softening effect to the new Aldi store as well as a substantial contribution to counteracting noise. The existing and replacement trees on the site also directly serve to mitigate the environmental impact of the new Aldi store and increased traffic arising from it."

Following an assessment of the trees the Tree and Woodland Officer concludes that the trees covered by the Order are all worthy of retention due to their condition and status and the overall screening and softening effect the trees have upon the new store, which is evident to see from all directions.

Please see **Appendix B** for the Tree and Woodland Officers report.

4. KEY ISSUES

4.1 To protect trees which provide an amenity value.

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5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications relating to the confirmation of the TPO.

6. LEGAL IMPLICATIONS

6.1 Town and Country Planning (Trees) Regulation 1999, covers this procedure.

7. POLICY IMPLICATIONS

7.1 None

8. COUNCIL OBJECTIVES

8.1 Council objective 4 - Environment, Priority C04 Planning

9. RISK MANAGEMENT INCLUDING HEALTH AND SAFETY CONSIDERATIONS

9.1 There are no significant risks associated with the details included in this Report.

10. CUSTOMER IMPLICATIONS

10.1 The customers have been provided with the relevant notification and the responses received are attached. The customers will receive notification of the decision of this committee.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None

12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 The proposal in relation to confirming the Tree Preservation Order can only be seen as having a positive impact on the environment.

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14. HUMAN RESOURCES IMPLICATIONS

14.1 None

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None

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

16.1 None

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 The provisional Tree Preservation Order was made in November 2010 and remains in force for 6 months, it was served upon all those affected by the Order. The documentation provides details of how and when objections and representations should be made. In this case the deadline for objections was the 10th December 2010.

20. 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

21. WARDS AFFECTED:

21.1 Charford Ward, Stoke Heath Ward and Stoke Prior Ward

22. APPENDICES

Appendix A Letter of Objection from Land Owner dated 7th December 2010.

Appendix B Report from the Tree and Woodland Officer dated 29th March 2011.

Appendix C Map identifying the area and trees covered by the TPO.

23. BACKGROUND PAPERS

23.1 None

24. KEY

24.1 N/A

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