

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 15th August 2011

Tree Preservation Order (No. 2) 2011

Relevant Portfolio Holder	Councillor C. B. Taylor
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. 2) 2011 relating to trees on land at Barnt Green to side and rear of Barnt Green Inn, Kendal End Road.

2. RECOMMENDATIONS

- 2.1 **It is recommended that Tree Preservation Order (No. 2) 2011 is confirmed with amendment.**

3. BACKGROUND

- 3.1 On the 23rd March 2011 a provisional Tree Preservation Order was made in relation to trees on land at Barnt Green to side and rear of Barnt Green Inn, Kendal End Road.
- 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 23rd March 2011 and remains in force until the 23rd September 2011.
- 3.5 1 letter of objection has been received (copy is attached as Appendix 1) from a Planning Consultant on behalf of the land owner and comprises of the following elements:
1. It is inappropriate for a TPO to be made with reference to an area, as only specific trees or groups of trees worthy of protection should be included. A tree survey commissioned by the owner will be made available for use as a basis for making a detailed tree assessment to refine the TPO.
 2. The reason for making the TPO does not indicate that a proper amenity assessment of the trees has been made. Evidence of this assessment is required to demonstrate that a TPO is appropriate.

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 15th August 2011

3. Understorey shrubs should not be included within the TPO, and an area designation does not specify what understorey shrubs are included.
4. The Order has been hastily made as a result of interest in potential development of the site, however despite the land having been promoted for development over many years, no attempt has been made to remove any trees. Therefore this order should be refined following a detailed assessment of the trees.
5. The Order needs clarification in terms of location address. The correct address is Kendal End Road.
6. The Order needs clarification in the Specification of Trees section. It should be referred to as Schedule 1.

3.6 The Tree Officer's comments are as follows:

1. In line with the Secretary of State's guidance, the area designation was used in the provisional Order to provide initial temporary protection for all trees on the site until a detailed assessment of the trees could be carried out, prior to requesting confirmation of the Order. This assessment was carried out on 14th and 19th July 2011, and as a result the Order has been reclassified to include only individual trees and groups of trees that provide a high degree of public amenity. The tree survey commissioned by the owner was made available and used as a basis for assessing the trees on the site.
2. A detailed assessment of amenity value using a nationally recognised method for TPO suitability was used, and is evidenced in Appendix 2. This method includes the key criteria that Government guidance highlights as being important to show that amenity value is being assessed in a structured and consistent way. As a result of the assessment, the individual trees and groups identified in Schedule 1 are deemed to provide a high level of public amenity due to their location as established trees around the perimeter of the site or as significant mature specimens within the site.
3. In order to provide immediate blanket protection and for simplicity and efficiency, the provisional Order covered all trees and understorey shrubs to ensure that no clearance of woody vegetation could occur prior to a detailed assessment being made. It was always intended that the area order would be reclassified prior to confirmation to ensure that only trees that provide a high degree of public amenity were included.
4. Due to the fact that the site supports some important mature trees of high public amenity, landscape and wildlife value, it was considered appropriate to make an immediate TPO following reports of renewed interest in

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 15th August 2011

development of this site. This indicated that the trees were potentially at risk from development pressure, and so to minimise this risk a provisional Order was raised to provide blanket protection.

5. The reclassified Order now identifies the trees by stating their location using the National Grid Reference number, and all references to the address of the site specify Kendal End Road.

6. The reclassified Order shows the list of trees titled as Schedule 1.

4. KEY ISSUES

4.1 To protect trees which provide an amenity value.

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 & 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.

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 15th August 2011

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.

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

None

18. LESSONS LEARNT

18.1 None

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 The provisional Tree Preservation Order was made in March 2011 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 4th May 2011.

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 15th August 2011

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

21. WARDS AFFECTED:

Hillside

22. APPENDICES

- Appendix 1 Letter of Objection and Location Plan from Planning Consultant on behalf of Land Owner dated 4 May 2011
- Appendix 2 Tree Officer Report (including amended schedule and Tree Evaluation Sheet) dated 25th July 2011
- Appendix 3 Amended Plan to be attached to confirmed Order.

23. BACKGROUND PAPERS

None

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 15th August 2011

24. **KEY**

N/A

AUTHOR OF REPORT

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