

# **PLANNING COMMITTEE**

**12th September 2011**

## **TREE PRESERVATION ORDER (NO. 3) 2011**

Relevant Portfolio Holder	Councillor C. B. Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Regeneration Services
Ward(s) Affected	Slideslow
Ward Councillor(s) Consulted	No
Non-Key Decision	

### **1. SUMMARY OF PROPOSALS**

- 1.1 The Committee is asked to consider the confirmation of Tree Preservation Order (No. 3) 2011 relating to trees on land at 53 and 55 Wellington Road, Bromsgrove, B60 2AX.

### **2. RECOMMENDATION**

- 2.1 **It is recommended that Tree Preservation Order (No. 3) 2011 is confirmed without amendment.**

### **3. KEY ISSUES**

#### **Financial Implications**

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

#### **Legal Implications**

- 3.2 The Town and Country Planning (Trees) Regulations 1999 covers this procedure.

#### **Service / Operational Implications**

- 3.3 On the 16th May 2011 a provisional Tree Preservation Order was made in relation to trees on land at 53 and 55 Wellington Road, Bromsgrove, B60 2AX.
- 3.4 The Order was made to protect the trees as they contributed significantly to the amenity in the area.
- 3.5 Notification of the making of the Order was given to all persons in the surrounding area and all who could be affected by the making of the Order.
- 3.6 The Tree Preservation Order was made on a temporary basis on the 16th May 2011 and remains in force until the 16th November 2011.

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- 3.7 One letter of objection and one letter of support of the Tree Preservation Order have been received.
- 3.8 The letter of objection has been submitted by one of the landowners affected by the Tree Preservation Order (a copy of the letter is attached at Appendix 1). The letter is summarised as follows:-
- (1) The potential of the Cedar tree to have an influence on the structural integrity of the property at 55 Wellington Road.
  - (2) The direct influence the canopy of the Cedar tree is currently having on the guttering of this property.
- 3.9 The Tree Officer's comments are summarised as follows (Tree Officer's report is attached at Appendix 3):-
- (1) I feel the tree is an acceptable distance from the building line of this property. The tree and all local building have co-existed for a substantial time. The geology of the area is generally recognised to be of sandstone bedrock. All of which would lead me to a conclusion that any major influence on any local property is unlikely. Investigatory and substantiating evidence would need to be produced to validate any claim of a structural influence of the tree on the property. Any evidence to this effect would be taken into consideration in any future request for works under the Tree Preservation Order on the tree.
  - (2) It would be acceptable for a neighbour affected by the canopy of a tree touching and directly damaging their property to request it to be pruned to give relief. Permission would almost certainly be granted on trees under protection in such cases.
- 3.10 The letter of support has been received from one of the landowners affected by the Tree Preservation Order (a copy of that letter is attached at Appendix 2). In brief, the landowner expresses overall support of the Tree Preservation Order in that it protects an important tree which is due to its age, prominence in its setting and historical value.

**Customer / Equalities and Diversity Implications**

- 3.11 The customers have been provided with the relevant notification and the responses received are attached. The customers will receive notification of the decision of the Committee.
- 3.12 There are no equalities and diversity implications.

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**4. RISK MANAGEMENT**

- 4.1 There are no significant risks associated with the details included within this Report.

**5. APPENDICES**

- Appendix 1 - Letter of objection from landowner, dated 23rd June 2011.  
Appendix 2 - Letter of objection from landowner, dated 23rd June 2011.  
Appendix 3 - Tree Officer report, dated 7th July 2011, and attached plan.

**6. BACKGROUND PAPERS**

N/A

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