

PLANNING COMMITTEE

5th December 2011

REPORT TITLE

Relevant Portfolio Holder	Councillor C. B. Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Regeneration Services
Ward Affected	Hillside
Ward Councillors Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation of Tree Preservation Order (No. 4) 2011 relating to trees on land at 32, 34 and 36 Lickey Square, 1 - 4 Cleveland Drive, 3 - 9 Stretton Drive and 63 Mearse Lane, Barnt Green.

2. RECOMMENDATION

- 2.1 It is recommended that the Tree Preservation Order (No. 4) 2011 relating to trees on land at 32, 34 and 36 Lickey Square, 1 - 4 Cleveland Drive, 3 - 9 Stretton Drive and 63 Mearse Lane, Barnt Green, is confirmed with modification.

3. KEY ISSUES

Financial Implications

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

Legal Implications

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

Service / Operational Implications

- 3.4 The TPO was made to protect trees as they contribute significantly to the amenity of the area. An enquiry was received indicating that there was a potential risk to fell or mismanage selected trees within the area of the TPO. On visiting the site a Tree Surgeon was found dismantling a good health specimen Beech tree which confirmed the need for the TPO.

On the 5th July 2011 a provisional Tree Preservation Order was made in relation to trees on land at 32, 34 and 36 Lickey Square, 1 - 4 Cleveland Drive, 3 - 9 Stretton Drive and 63 Mearse Lane, Barnt Green. It will remain in force until the 5th January 2012.

PLANNING COMMITTEE

5th December 2011

Notification of the Order was given to all persons in the surrounding area and to all those who could be affected by the making of the TPO.

One objection has been received in respect of the TPO from an Arboriculture Consultancy on behalf of one of the land owners in relation to trees specified in the TPO at 32, 34 and 36 Lickey Square (attached at Appendix 1).

The objection comprises of the following:-

- (1) The owners initiated the removal of some trees, following concern over a number of branches falling and to allow more light into the gardens.
- (2) Imposing a TPO to include these trees would mean the residents would be unable to manage their own private garden space.
- (3) According to the Tree Preservation Orders 'A Guide to the Law and Good Practice', a TPO should be made to protect those trees which have a public amenity, taking into account their visibility, individual impact, and wider impact. The trees do not fulfil the criteria.

The Senior Tree Officer responds as follows (a copy of the Tree Officer's Report is attached at Appendix 2):-

- (1) The original TPO was made as an area order due to the urgent requirement to protect the trees as there was a potential imminent risk of work being carried out on trees worthy of protection. This provided time for the Council to survey the site in detail.
- (2) Having carried out the survey it is now proposed to confirm the TPO to protect specified trees. The trees selected fulfil the criteria required in line with the Tree Preservation guidance to qualify for protection. They are all in good form and health and either individually or collectively as groups add greatly to the visual amenity and character of the area being visible from a number of local properties and roads.

One representation in support of the TPO has been received from a local resident (attached at Appendix 3) and briefly states that there are trees covered by the TPO that overhang their fence and need regular trimming back to allow light into their house and they would like to know that they can continue to trim back these trees, as and when required. However they are in favour of the TPO because trees are being cut down indiscriminately.

The Senior Tree Officer's response states that it will be possible to apply for permission to carry out works on trees covered by the TPO and every application will be considered as sympathetically as possible. Although it may not be possible to agree work requested in all cases. A number of residents have been advised of this by phone.

PLANNING COMMITTEE

5th December 2011

- 3.5 Policy Implications - None
HR Implications - None
Council Objective 4 - Environment, Priority C04 Planning
- 3.6 Climate Change / Carbon / Biodiversity - The Proposal in relation to confirming the TPO can only be seen as a positive impact on the environment.

Customer / Equalities and Diversity Implications

- 3.7 The customers have been provided with the relevant notification and the responses received are attached in the appendices. The customers will receive notification by post of the decision of the Committee.
- 3.8 Equalities and Diversity implications - None

4. RISK MANAGEMENT

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

5. APPENDICES

Appendix 1 - Objection letter, dated 4th August 2011
Appendix 2 - Tree Officer Report
Appendix 3 - Letter of Support, dated 21st July 2011

6. BACKGROUND PAPERS

None.

7. KEY

TPO - Tree Preservation Order

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