

**BROMSGROVE DISTRICT COUNCIL**

**PLANNING  
COMMITTEE**

**6th February 2012**

**TREE PRESERVATION ORDER (NO. 7) 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	Sidemoor
Ward Councillor(s) Consulted	No
Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 The Committee is asked to consider the confirmation of Tree Preservation Order (No. 7) 2011 relating to a tree on land to the rear of 1 Broad Street, Sidemoor, Bromsgrove, B61 8LW

**2. RECOMMENDATIONS**

- 2.1 It is recommended that Tree Preservation Order (No. 7) 2011 relating to a tree on land at the rear of 1 Broad Street, Bromsgrove, B61 8LW, is confirmed without modification.

**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 The TPO was made to protect the trees as it contributes significantly to the amenity of the area as it is highly visible and a conspicuous feature of a busy road junction. Information was received that there was a risk that the tree may be felled and so a provisional Tree Preservation Order was made to protect the tree.

On the 26th August 2011, a provisional Tree Preservation Order was made in relation to a tree on land at the rear of 1 Broad Street, Sidemoor, Bromsgrove, B61 8LW. The provisional Order will remain in force until the 26th February 2012.

Notification of the provisional 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; a copy of this objection is attached at Appendix 1.

In brief, the objection comprises of the following:-

- (1) The manner of making the TPO was misleading and deceitful.
- (2) The tree is growing and is close to property.
- (3) The neighbours across the road have complained that the tree blocks too much of their light.
- (4) The tree blocks a great deal of light and sun from the owner's garden.
- (5) The roots have damaged the pavement.
- (6) The tree has been pruned twice in the last eight years at a total cost of £650; it is expensive for me to keep paying such sums when the tree grows back so quickly.
- (7) I have consulted three tree surgeons for quotes to prune the tree and they have all advised that it will only make it grow faster and it would be better to cut it down.
- (8) Many more attractive trees were recently cut down further down the road in the Council Cemetery.

The Senior Tree Officer responds as follows (for full details of the Officer's response, see the Tree Officer's report attached at Appendix 2):-

- (1) The original TPO was made as there was a potential imminent risk of work being carried out on a tree worthy of protection. The appropriate procedures and processes were applied.
- (2) Although the tree is growing, there is approximately 7 metres between the nearest edge of the canopy and the house thus ample separation to prevent damage to the property.
- (3) No objections have been received from neighbouring properties.
- (4) The tree is located on the south-west side of the garden and directly to the west of the house with the result that it will cast some shade over the garden from midday onwards and upon the house in the evening. Some of this shading effect can be reduced by suitable pruning.
- (5) The cracks caused by the tree can easily be addressed during routine surfacing of the pavement, removing and re-laying the tarmac or by various methods of bridging over the roots. The pavement is owned and maintained by the Highways Section of Worcestershire County Council

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who were consulted and notified on the making of the Order. They have raised no objection.

- (6) Unable to comment on the need or effect of any works previously carried out or the cost.
- (7) The tree is in healthy condition and should be able to withstand substantial pruning to attempt to reduce the shading effect being experienced by the occupants.
- (8) Two trees of the same species were recently felled in the nearby cemetery. One was diseased and both possessed defects which made them structurally unstable and could not be remedied by pruning and so felling was carried out for safety reasons. Replacement tree planting has since been carried out.

The Senior Tree Officer considers the tree to be of sufficient value to merit an Order and recommends that the Order is confirmed without amendment.

3.4 Policy implications - None

HR implications - None

Council objective 4 - Environment, Priority CO4 - Planning

3.5 Climate Change / Carbon / Biodiversity - The proposal in relation to confirming the TPO can only be seen as having a positive impact on the environment.

**Customer / Equalities and Diversity Implications**

3.6 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.

3.7 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 1st October 2011

Appendix 2 - Tree Officer Report

**6. BACKGROUND PAPERS**

None

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**7.     KEY**

TPO - Tree Preservation Order

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