

BROMSGROVE DISTRICT COUNCIL

**PLANNING
COMMITTEE**

6TH FEBRUARY 2012

TREES IN BROMSGROVE HIGH STREET - APPLICATION REF.: TPO11/0116

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

1. SUMMARY OF PROPOSALS

- 1.1 A notification has been received from Bromsgrove District Council of the felling of 32 trees along Bromsgrove High Street between The Strand and Worcester Street.
- 1.2 As the trees are within the Conservation Area, six weeks notice of the proposed works is required to give the Local Planning Authority the opportunity to either protect the trees and prevent the works by making a Tree Preservation Order or register 'No Objection' to the proposal.
- 1.3 Such cases are normally determined under Delegated Authority but due to the high profile of these trees, a decision by the Planning Committee is required.
- 1.4 The proposal is to fell the trees before the end of February to avoid the bird nesting season as the first stage in works to upgrade the public realm of the High Street during 2012.
- 1.5 It is understood that replacement planting of an equal number of trees to those lost will be carried out within the High Street and immediate town centre area as part of the upgrade works.

2. RECOMMENDATION

- 2.1 That a decision of 'No Objection' is made to the felling of the trees subject to the planting of an equal or greater number of replacement trees within the High Street and immediate area.

3. KEY ISSUES

Financial Implications

- 3.1 There are no significant financial implications over and above the time and resources incurred in the drafting, serving and monitoring of the relevant Notice.

Legal Implications

- 3.2 Liability for legal action or compensation may occur should damage or injury be caused by the trees where this is as a direct result of the Council's decision to refuse consent for the work being applied for.

Service / Operational Implications

- 3.3 The trees are varieties of Silver Birch, which are understood to have been originally planted during the 1970's part-pedestrianisation of the High Street. The area is a somewhat hostile environment for trees where they are exposed to poor soils, root compaction, damage from services works and winter salting and so over the last 40 years approximately half of those originally planted have been lost.
- 3.4 A small number of trees have been replaced but with these few exceptions, the remaining trees are nearly all suffering from defects such as wounds to trunk or limbs, decay within the main trunk or general decline in canopy condition indicative of root damage. A small number of trees are in better condition but the combination of vigorous, healthy growth and planting positions close to buildings make their long term retention unsustainable.
- 3.5 Although the trees are not subject to a specific Tree Preservation Order, they are located within the Bromsgrove Town Centre Conservation Area and so anyone wishing to carry out works to them is required to give the Local Planning Authority six weeks notice of the proposed works. This gives the Authority the opportunity to either protect the trees and prevent the works by making a Tree Preservation Order or register 'No Objection' to the proposal.

The Application

- 3.6 The proposal is to fell the trees as the first stage in works to upgrade the public realm of the High Street during 2012. Although these upgrade works are expected to commence in mid 2012, the felling of the trees is required before the end of February to avoid the bird nesting season. It is an offence to disturb a wild bird while nesting and so the early felling of the trees will prevent them being occupied by nesting birds and causing significant delay to the High Street upgrade works.
- 3.7 It is understood that replacement planting of an equal number of trees to those lost will be carried out within the High Street and immediate town centre area as part of the upgrade works. The schedule and plan attached as Appendix B has been included in the design brief for the upgrade works. Although this may be subject to some amendment as the upgrade details are finalised, this is indicative of the replacement scheme that is proposed.

Conclusion

- 3.8 The felling of the trees is necessary to enable the upgrade of the High Street to proceed as planned and the condition and positions of existing trees make their long term retention unsustainable. The felling is therefore justified provided that an equal or greater number of new trees are planted within the High Street and town centre area to replace the environmental, ecological and amenity effect.

Relevant Policies

- 3.9 The planning policies relevant to the consideration of this case are as follows:-

WMSS

WCSP CTC.1, CTC.5

BDLP DS13, C5, C17, C19,

DCS2

Others

Customer / Equalities and Diversity Implications

- 3.7 There are no direct customer implication issues arising from this report.
- 3.8 There are no direct equalities and diversity issues arising from this report.

4. RISK MANAGEMENT

- 4.1 There are no direct risk management or health and safety issues arising from this report.

5. APPENDICES

Appendix 1 - Copy of Application Ref.: TPO10/090

Appendix 2 - Bromsgrove High Street - Replacement Tree Planting Schedule

6. BACKGROUND PAPERS

None.

AUTHOR OF REPORT

Name: Mr. Andrew Bucklitch

email: a.bucklitch@bromsgroveandredditch.gov.uk

Tel.: 01527 64252 ext. 3075