

**BROMSGROVE DISTRICT COUNCIL**

**PLANNING COMMITTEE**

**3RD DECEMBER 2007**

**TREE PRESERVATION ORDER (NO. 8) 2007 - TREE ON LAND AT 48 LEA GREEN LANE, WYTHALL**

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Responsible Head of Service	Head of Planning and Environment Services

**1. SUMMARY**

- 1.1 The Committee is invited to consider Tree Preservation Order (No. 8) 2007, which relates to a tree on land at 48 Lea Green Lane, Wythall.

**2. RECOMMENDATION**

- 2.1 The Committee is invited to consider the following documentation which has been received in relation to the Tree Preservation Order.
- (a) Letter received from OCA UK Limited, dated 10th August 2007.
  - (b) A report headed "The Arboricultural Implication Assessment - Preliminary Report on Trees," dated 23rd February 2007, provided by OCA UK Ltd.
  - (c) A letter dated 1st August 2007, from Mr. K. C. Butt.
  - (d) A bundle of documentation received from OCA Ltd., including a "Statement in Support of Proposal to Fell Tree" and supporting photographs and details submitted by Mr. Keith Butt.
  - (e) A letter dated 3rd October 2007 (received 16.11.2007), from Mr. Keith Butt, enclosing photographs.
  - (f) A Report from the Council's Tree Officer, Mr. Steve Jones.

The Committee is asked to consider all of the documentation and make a recommendation accordingly.

**3. BACKGROUND**

- 3.1 The oak tree situated on the land at 48 Lea Green Lane, Wythall, was made the subject of a Tree Preservation Order on the 6th July 2007. The Order was made to protect the tree as it contributed significantly to the amenity of the area and the

Tree Officer (Mr. Steve Jones) was concerned that without the Order the tree would be felled. Some time ago, concerns were raised that the roots of the tree were causing cracking and subsidence to the neighbouring property number 50 Lea Green Lane Wythall. This property is owned by Mr. Keith Butt. The company, OCA UK Ltd., had been instructed by insurers, Cunningham and Lindsey, to investigate the subsidence claim and have provided a letter dated the 10th August 2007 in which they raised objection to the Order being confirmed for the following reasons:-

- "(i) the reasons for the making of the Order are not explained and
- (ii) the tree is implicated in subsidence damage to a neighbouring property."

OCA UK Ltd. also provided a report which was prepared before the TPO was made, dated the 23rd February 2007, in which a conclusion reached was that:-

"In this instance we consider that removal of the Oak Tree (T1 and the group of Cypress trees G1) will be sufficient to mitigate in the current subsidence event."

In addition, Mr. Keith Butt, the owner of the property 50 Lea Green Lane, Wythall, provides a letter of objection dated the 1st August 2007. In this letter he states that:-

"During the hot dry summer of 2006, serious cracks, up to 7mm, opened in my Dining Room which is situated closest to this Oak Tree. I contacted both my Insurance Co. and Mr. Steve Jones who very promptly came to inspect the damage. He agreed the cracking was significant and as bad as he had seen in this area... The appearance of nearby plants and shrubs confirmed that the ground in this area had become extremely dehydrated."

Mr. Butt further confirmed that Cunningham and Lindsey (OCA UK Ltd.) had been instructed and he enclosed part of the report that OCA had prepared in February.

In his letter of the 1st August 2007, Mr. Butt refers to the OCA report and concludes by stating:-

"I am objecting to the preservation order as the evidence presented to me strongly suggests that the Oak tree is the major contributor to the cracking problem. Its removal would minimise the chance of further cracking in periods of very dry weather."

A further set of papers have been received from Cunningham and Lindsey in which they provide a Statement in Support of Proposal to Fell Trees, including photographs and details submitted by Mr. Keith Butt.

A copy of all of the objections and supporting documentation was provided to Mr. Steve Jones, the Council's Tree Officer, and he responds as follows to the objections raised.

**4. FINANCIAL IMPLICATIONS**

4.1 None.

**5. LEGAL IMPLICATIONS**

5.1 Town and Country Planning (Trees) Regulations 1999.

**6. COUNCIL OBJECTIVES**

6.1 To provide a clean safe and attractive environment.

6.2 To protect and improve our environment.

**7. RISK MANAGEMENT**

7.1 The Tree Officer has reviewed all of the evidence in relation to the Tree Preservation Order and based on the information provided he is satisfied that the TPO should be confirmed as it contributes significantly to the amenity of the area.

**8. CUSTOMER IMPLICATIONS**

8.1 The protection of the Tree which is the subject of the Order will prohibit any person from cutting down, topping, lopping, uprooting, wilfully damaging or wilfully destroying the tree without first obtaining the consent of the Council.

Any person having any interest either in the land affected by the Order or land adjoining it will be served with a Notice confirming the Order together with a copy of the Order itself.

**9. EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 None.

**10. OTHER IMPLICATIONS**

Procurement Issues	None.
--------------------	-------

Personnel Implications	None.
Governance / Performance Management	None.
Community Safety including Section 17 of Crime and Disorder Act 1998	Trees are not considered to be a risk.
Policy	None.
Environmental	Amenity Value.

## 11. **OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	No
Chief Executive	No
Corporate Director (Services)	No
Assistant Chief Executive	No
Head of Service	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	No
Head of Organisational Development & HR	No
Corporate Procurement Team	No

## 12. **APPENDICES**

Appendix 1 - Letter from OCA UK Ltd., dated 10th August 2007.

Appendix 2 - Report from OCA UK Ltd., headed "Arboricultural Implication Assessment," dated 23rd February 2007.

Appendix 3 - Letter from Mr. Keith Butt, dated 1st August 2007.

Appendix 4 - Bundle of documentation from Cunningham and Lindsey (received 15.11.2007) including Statement in Support of Proposal to Fell Tree enclosing photographs and details submitted by Mr. Butt relating to his monitoring of the damage.

Appendix 5 - Letter from Mr. K. Butt, dated 3rd October 2007 (received 16.11.2007), including photographs.

Appendix 6 - Report prepared by Mr. Steve Jones. All of the documentation has been provided for Mr. Jones' consideration and he concludes that, based on the information provided, the TPO should be confirmed.

**13. BACKGROUND PAPERS**

13.1 None

**CONTACT OFFICER**

Name: Steve Jones

email: [steve.jones@bromsgrove.gov.uk](mailto:steve.jones@bromsgrove.gov.uk)

Tel: (01527) 881321