



MEMORANDUM

TO: Redditch & Bromsgrove Planning Department.

FROM: Gavin Boyes, Senior Tree Officer Redditch & Bromsgrove Council Tel: 01527 64252 Ext: 3094

DATE: 16th November 2015

**SUBJECT: Request to confirm at planning committee
Bromsgrove District Tree Preservation Order (7) 2015
Trees on Land at 19-27 New Road Bromsgrove.**

The order was raised on 29th July 2015 in respect of a suspicion raised in relation to enquiries being made regarding the status of T1 Beech which gave an indication of a potential risk that this tree may be felled. On investigation of our records and inspection of the site / area it became clear that T1 Beech and a number of other valuable mature trees locally were not protected. There was also evidence of light disturbance damage to the original boundary wall to the front of 25 New Road (Wayside) which potentially is partly associated with T1. The level of damage to this wall is light in nature. There is also a level of damage / disturbance to a later built retaining wall on the right hand side of the entrance to 23 New Road. However I feel that the damage to this retaining wall is potentially in part due to poor construction especially poor keying in to any adjoining wall. I would also argue that it would be possible to achieve an engineered remedy to this problem by rebuilding the wall using suitably robust but sympathetic in terms of potential risk of causing damage to the tree methods of construction. Therefore I do not feel that the level of damage to either of the local wall infrastructure is a valid reason to fell T1 Beech.

At the time the order was raised there was no indication found on site or had been highlighted that there was a drainage issue or that T1 Beech was suspected of affecting the drains serving 25 New Road (Wayside). However this was subsequently raised as the major issue associated with the request to fell T1 Beech. It was my opinion that the evidence supplied was not conclusive in validating that the roots of the Beech were the cause or implicated in the drainage issues as there is also a Lawson's conifer in close proximity to the line of the affected drain. I was also of the opinion that if an excavation of the existing drainage line was required to resolve these issues a new route could just as reasonably and easily be adopted to install a new drainage line. This would allow the retention of this valuable tree and

Appendix 1

would seem a cheaper option in having avoided the expense of having to remove the tree. I do not agree with the comments made in the RJ Tree Services Ltd tree report paragraph 4.3 supplied in support of the objection made by Mr Kotecha that the tree has a declining in its physiological health that could possibly limit its future life expectancy. I did note that there is some very light tip die back on approximately two or three branches on the Western side. But this looked historic in nature and could be due to a wide range of undeterminable reasons at the time of inspection. Beyond that I found T1 Beech to be in good growth and physiological condition with a suitably dense, full and well balanced canopy.

In the conclusion and recommendations of this report it highlighted an option to re-route the drainage line which would impact on T2 of the order the Golden Cypress. I too identified this as an option and as T2 is a generally lower stature tree in relation to the others in the order I have removed it from the proposed confirmed order in view of possibly accommodating a the draining re-routing option in future. I do not feel that T3 Silver Birch should be greatly if at all affected by the re-routing of the drain.

In conclusion I feel that the trees included within this order offer a high level of visual amenity value being clearly visible to a high number of local residents and users of a the busy New Road. They add greatly to the character of this established area of Bromsgrove. Also that there are remedial options available to address both the wall damage at 23 New Road and the drainage issues which would not require the loss or damage of the trees included within the order.

Therefore I would recommend that the order is confirmed as modified.

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Appendix 2

Gavin Boyes

From: wayside <waysideho@gmail.com>
Sent: 28 August 2015 15:52
To: Rasma Sultana
Cc: Gavin Boyes
Subject: TPO no7 2015

Dear Mrs Sultana

I am in receipt of the TPO order in relation to 25 New Road, Wayside Nursing Home and with respect to the Bromsgrove Borough Council Tree Preservation Order (No7) 2015.

I have concerns that the beech tree (T1 in the schedule) is the cause of damage to the brick boundary/retaining wall on the New Road frontage by way of direct stem and root action. The tree sites directly on top of the wall, which constrains the repairs necessary to make it safe. Damage has also occurred to the directly adjacent drains, which has resulted in the breaking & leaking directly in to the soil & the cellar/basement of Wayside Care Home for the Elderly. This is, I believe, a public health issue.

As such, I would respectfully request that the Tree Preservation Order (No 7) 2015 is not confirmed in its current format & that the beech tree (T1) is omitted from the schedule & plan. I have commissioned an arboricultural report for your consideration in due course.

I look forward to hearing from you shortly. Please confirm receipt of this email.

Kind Regards

Rakesh Kotecha

Vice Chair - Rutland East Midlands Care Association
Director West Midlands Care Association

 07967 551 135 / 0116 2442050

 0116 2442177

 rakesh@hsmidlands.com

 13C Saffron Way

Leicester

LE2 6UB

2

Appendix 2

Gavin Boyes

From: wayside <waysideho@gmail.com>
Sent: 07 September 2015 16:27
To: Gavin Boyes; Rasma Sultana
Cc: 'timothy beadsley'; Rita De...
Subject: Wayside Care Limited
Attachments: ARBOR_REPORT-25NewRd_Bromsgrove.pdf

Dear Gavin

I hope you are well?

As discussed earlier I look forward to seeing you tomorrow. I have also requested that our neighbour, Tim Beardsley, joins us if he is available to as he wrote to you which then instigated your call to me. I did write to yourself and your colleague, Mrs Sultana but received no response from either of you.

As per our conversation please find attached the report we have commissioned with regards to the TPO. I am more than happy to discuss this tomorrow. As you can see from the report there is an urgent health and safety issue with regards to the drains at Wayside, which cannot be resolved due to the TPO's which Bromsgrove Council are putting in place. The drains were initially effecting Wayside alone, however, now the drains issue is effecting the public and residents on New Road.

I look forward to seeing you tomorrow.

Kind Regards

Rakesh Kotecha

Vice Chair - Rutland East Midlands Care Association
Director West Midlands Care Association

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 rakesh@hsmidlands.com

 13C Saffron Way

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Appendix 2



RJ Tree Services Ltd

Report relating to 3 trees subject to
Bromsgrove District Council Tree Preservation Order No 7 2015

Wayside Care Home, 25 New Road, Bromsgrove, B60 2JQ

Produced for:
Wayside Care Limited
13C Saffron Way
Leicester, LE2 6UP

Produced by Richard A Jones (MICFor, F Arbor A)
on behalf of RJ Tree Services Ltd

Chartered Arboriculturist
Institute of Chartered Foresters Registered Consultant

Date: August 2015 Reference: Wayside_Bromsgrove/01

Ground Floor Unit, 3 Millers Yard
Roman Way, Market Harborough, Leicestershire, LE16 7PW
Tel: 01858 432938 Mob: 07765 792719 Email: richard@rjtreeservices.co.uk

Arboricultural Consultancy & Advice

www.rjtreeservices.co.uk

Company Number: 9484682

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1. Introduction & Brief

- 1.1 Verbal instructions were received from Mr Rakesh Kotecha of Wayside Care Ltd (the client) to comment on the 3 trees in the grounds of 25 New Road, Bromsgrove and their suitability for inclusion in Tree Preservation Order (TPO) (no7) 2015.
- 1.2 I visited the site on Tuesday the 28 August 2015.

2. Qualifications & Indemnity

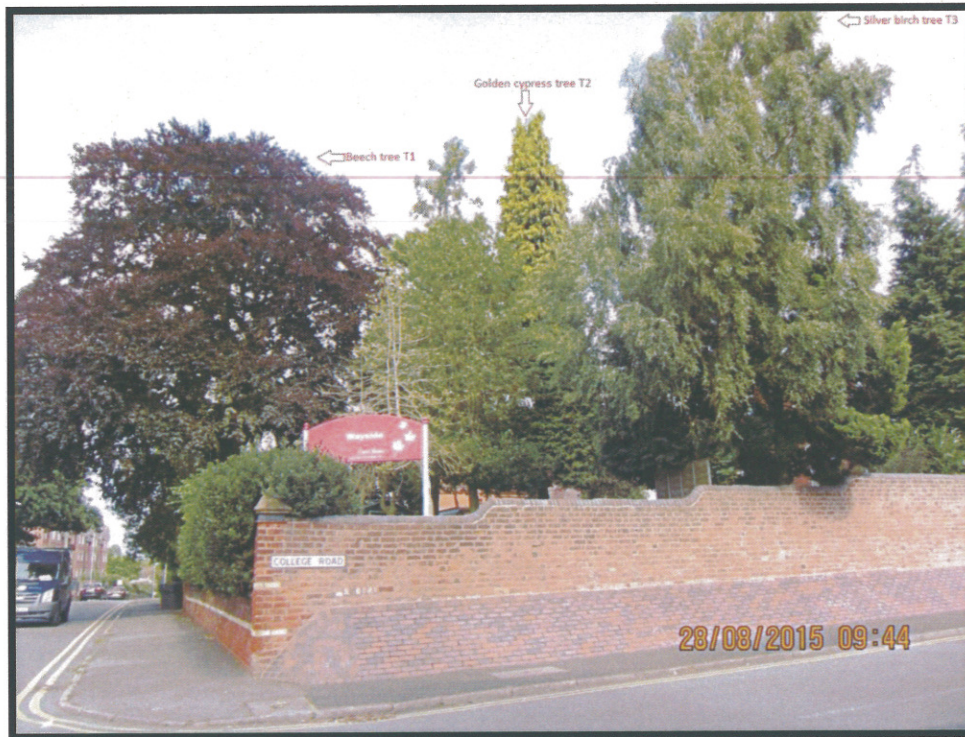
- 2.1 I am the sole Director at RJ Tree Services Ltd. I am a Chartered Arboriculturist and Institute of Chartered Foresters Registered Consultant. I hold the International Society of Arboriculture Tree Risk Assessment Qualification (TRAQ), a Higher National Diploma (HND) in Arboriculture, a National Certificate (NC) in Horticulture with an Arboricultural Option and a City and Guilds in Amenity Horticulture Phase 1. I have in excess of 25 years craft and managerial experience in the arboricultural and landscape management industries in the United Kingdom and the United States including six years as a local authority tree officer and 11 years as a consultant working for various public, commercial and domestic clients.
- 2.2 I am a Fellow of the Arboricultural Association (F Arbor A) and a Professional Member of the Institute of Chartered Foresters (MICFor). I am committed to professional development and regularly attend relevant seminars and courses.
- 2.3 RJ Tree Services Ltd holds professional indemnity and public liability insurance which is limited to £1000000. Please contact me should you require any more information relating to this matter.

3. The Tree Preservation Order

- 3.1 Tree Preservation Order (No7)2015, Trees on land at 19-27 New Road, Bromsgrove was served by Bromsgrove District Council on the land owners, Wayside Property 2013 Ltd, on the 19 July 2015 (Bromsgrove District Council's ref: RS/TPO(7)2015). The TPO protects 9 individual trees including a beech, golden cypress and silver birch in the grounds of 25 New Road, Bromsgrove. The trees are shown in the TPO schedule and marked individually as T1, T2 and T3 respectively. An amended copy of the plan is shown in appendix 1.
- 3.2 There are other trees in nearby gardens that are subject to the same TPO, but which are not considered as part of this report.
- 3.3 Bromsgrove District Council's reason for making the TPO are that the *"trees provide special amenity value and the Tree Preservation Order is made in the interests of amenity"*.
- 3.4 A brief written objection to the confirmation of the TPO (no 7) in its current format was submitted by Mr Kotecha by email on the 28 August 2015 prior to the deadline for representations (01 September 2015) given by the council. No formal response has been provided by the council, although a read receipt email was received on the day it was sent. It is not apparent at this time, therefore, if Bromsgrove District Council intends to confirm the TPO (no7) in its current format or not. My Kotecha confirmed that so far he has not received an amended or confirmed TPO.

4. The Site & the Trees

- 4.1 The site contains a large detached house that is converted into a care home for the elderly with outbuildings, gardens and parking area. The care home and gardens are raised above the New Road highway level by roughly 1m.
- 4.2 The mature copper beech tree (T1) is situated on the site frontage directly on top of a brick and stone wall (photograph 1). It is approximately 18m in height with a crown radius of 6-8m. The beech tree (T1) is grafted at the base with a substantial stem and large domed canopy. There are vigorous buttress roots at the base of the stem that are growing on top of and around the wall (photograph 2) on which it is growing.



Photograph 1



Photograph 2

- 4.3 Historical pruning wounds (photograph 3) and stubs are characteristically situated on the stem and branch framework of the beech tree (T1). There is evidence of some crown die back in the western aspect of the canopy directly over the garden of the neighbouring property. The crown is comparatively sparse in that the sky is clearly evident in several blocks when one views it from directly below (Photograph 4). This implies that there is a decline in the physiological health of T1 possibly limiting its future life expectancy somewhat.

Report relating to 3 trees subject to
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For: Wayside Care Ltd



Photograph 3



Photograph 4

- 4.4 The tree described in the TPO schedule as a golden cypress T2 (Photograph 1) has a typically tall slender form. It is roughly middle aged with an estimated stem diameter of 350mm. The golden cypress tree T2 is approximately 12m high and is situated away from the site frontage in the centre of the garden. It appears to be in generally good health.
- 4.5 A silver birch tree described in the schedule as T3 (photograph 1) is growing on the eastern aspect of the site close to the raised boundary wall. It also middle aged and looks to be in broadly good physiological health. I would anticipate that the birch tree T3 is also about 12m high with an estimated stem diameter of 375mm.

5. Appraisal

- 5.1 **The TPO:** Current Planning Practice Guidelines (2014) recommend that Local Planning Authorities (LPA) may make provision for trees to be protected by TPO's where it is "*expedient in the interests of amenity*" and where it would bring a "*reasonable degree of public benefit in the present or future*". The Planning Practice Guidance does not define amenity, but suggests that LPA's develop ways of assessing amenity and take into account the following factors when considering trees for protection: "*size and form; future potential as an amenity; rarity, cultural or historic value; contribution to, and relationship with, the landscape; and contribution to the character or appearance of a conservation area*".
- 5.2 Ideally, LPA's should utilise a systematic approach to measuring amenity and a tree's suitability for protection. Several systems for gauging a tree's merit in the context of visual amenity are available including: the Tree Evaluation Method for Preservation Orders published by Forbes Laird Arboricultural Consultancy Ltd, The Guide for Plant Appraisal published by the International Society of Arboriculture and the Visual Amenity Valuation of Trees and Woodlands published by the Arboricultural Association and sometimes known as the Helliwell System.
- 5.3 The national guidance for best practice describes what factors a council should take into account when considering a tree for protection. I could not easily find any data on the Bromsgrove District Council website relating to its approach to making TPO's or how it measures the suitability of a tree for a TPO. It is my understanding from the information provided that a structured tool has not been used to measure the appropriateness of the trees for a TPO now or in the long term.

- 5.4 **The Wall:** The beech tree T1 is sited on top of a brick wall. There are substantial cracks in the now leaning wall (identified in photographs 5, 6 and 7 by red arrows) that are almost certainly as a result of direct pressure exerted by the stem and roots.



Photograph 5



Photograph 6



Photograph 7

- 5.5 There are further roots bursting directly through the boundary wall with the neighbouring property, which is causing additional cracking (photograph 8) in the brickwork.



Photograph 8

- 5.6 Giles Biddle (1998), an national authority of tree root damage to structures, uses the analogy of *“a balloon, especially the long thin ones used for modelling animals”* when describing direct damage to structures by trees. He goes on to say that *“as these are inflated, they progressively elongate, just as a root will elongate through the soil as it grows”*. He also says *“that if a single brick is placed on an inflated balloon, the balloon will distort but can still lift the brick. Place a second brick on the first to double the load and they will squash the balloon flat. However, with an additional balloon inserted, the bricks can still be lifted”*.
- 5.7 While it is impossible to accurately provide calculations of the forces involved, it is my supposition that the beech tree T1 is the cause of extensive damage to the retaining wall/s that will over time get worse. Hence, there is a need sooner rather than later to repair it, which cannot be carried out without the loss of or extensive damage to the beech tree T1.

- 5.8 **The drains:** There are clay drains in the garden of the Wayside Care Home that are routed in a north easterly manner from the road frontage to the main house (described roughly plan A in appendix 1 by a blue line). They are failing as a result at least in part; I am led to believe, of extensive tree root activity.
- 5.9 The existing drains are situated within about 1m of the base of the beech tree T1.
- 5.10 It is generally accepted that tree roots will take advantage of an improved growing environment provided by leaking drains. This can lead to more extensive root activity that may result in further more widespread damage to the drains.
- 5.11 Irrespective of the cause of the damage and the state or fabric of the drains, the foul water/sewage from the waste pipe is now leaking into the surrounding soil, the cellar at the care home and the road (photographs 9 and 10). Pumps are currently being used to keep the cellar clear of drain water, although this is only a temporary measure. Hence, it is extremely important to bear in mind at this point that the leaking drains pose a public health risk.



(Photograph 9-provided by Mr Kotecha)



(Photograph 10-Provided by Mr Kotecha)

- 5.12 There is an evidential urgent need to repair the drains at the Wayside Care Home to overcome what is a risk to public wellbeing. If, however, the drains are replaced in the same situation by way of normal excavations then those operations will result in damage to the beech tree T1.

6. Conclusion & Recommendations

- 6.1 It is apparent that there is a duty in this case for all involved to assess the a tree's value and the likely impact of the loss of one or all of the trees on the amenity of the area, which they must balance against the condition of the tree and the damage that it is causing; and whether, in the light of their assessment, the proposal is justified given the reasons put forward in support of it.
- 6.2 There appear to me to be 2 options in this case. 1. Re-route the drains away from the beech tree T1 in a dogleg manner (see plan in appendix 1 shown by a red line). This would, however, have the potential to impact on the golden cypress tree T2 and silver birch tree T3 and would not overcome the extensive damage to the retaining wall.
- 6.3 Option 2, would be to remove the beech tree T1, which would enable the front and side retaining walls to be repaired and facilitate the installation of new drains along their existing route without impacting on the nearby TPO trees T2 and T3.
- 6.4 Given the extensive damage to the walls and drains, its comparatively thin crown and possibly lesser life expectancy; it is, on balance, my view that it would not be sustainable or in the long term public interest for the aging beech tree T1 to remain protected by the Tree Preservation Order (no7) 2015.
- 6.5 Accordingly, I would respectfully urge Bromsgrove District Council to confirm Tree Preservation Order (no7) 2015 by excluding the beech tree T1 allowing it to be removed.
- 6.6 If, however, the TPO (no7) 2015 is already or will be confirmed in its current format then I would recommend that an application be submitted to Bromsgrove District Council to remove the beech tree T1; bearing in mind that the LPA may be liable to pay you compensation for refusing to grant consent under a TPO. I would recommend that you take legal advice on this matter.

References

Arboricultural Association (2008), Visual Amenity Valuation of Trees and Woodlands published (the Helliwell System)

Biddle G (1998), Tree Root Damage to Buildings, Acorn Press

Forbes Laird Arboricultural Consultancy Ltd (2005), Tree Evaluation Method for Preservation Orders

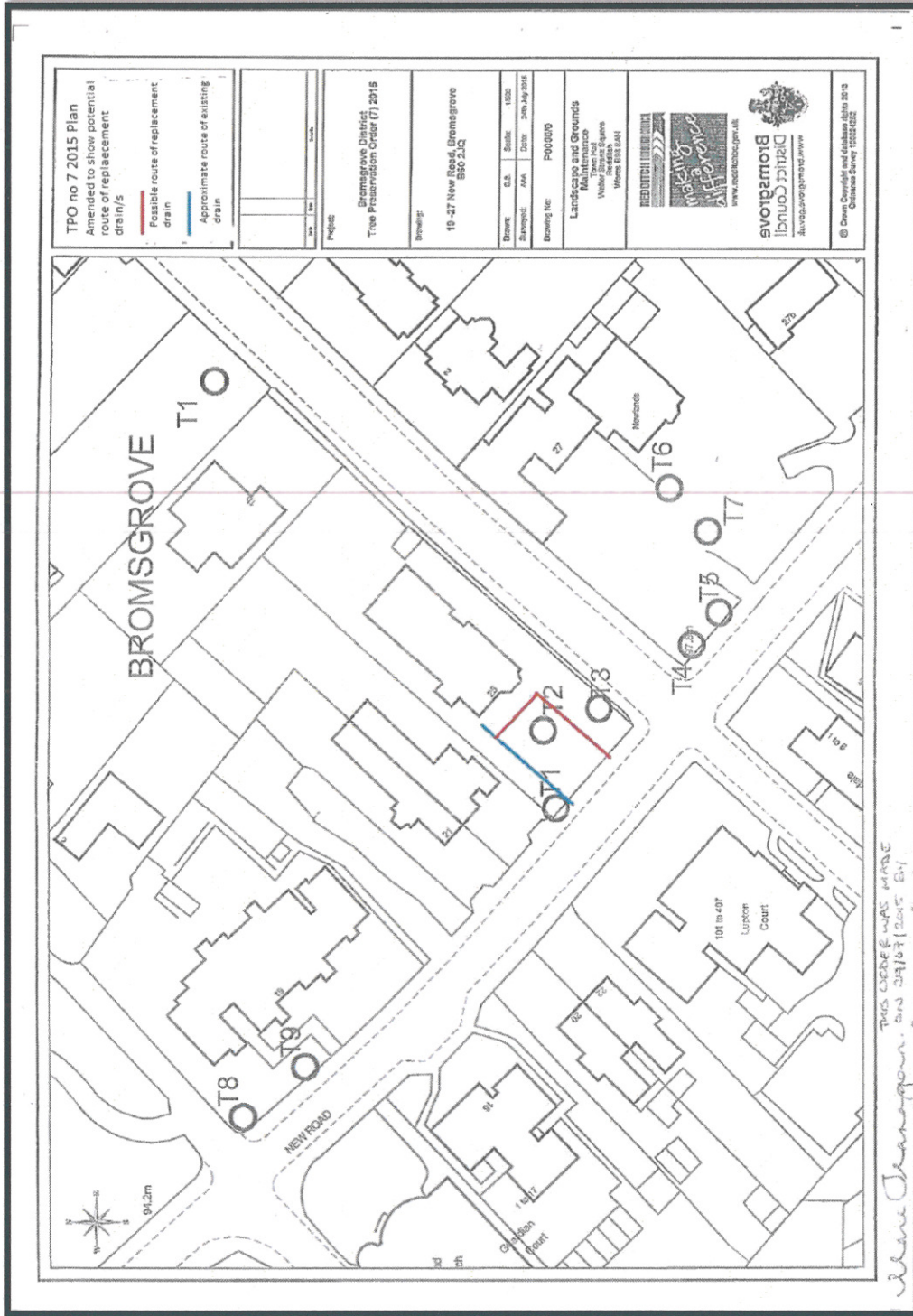
International Society of Arboriculture (1994), The Guide for Plant Appraisal

Planning Practice Guidelines (2014), Department for Local Government and Communities

Report relating to 3 trees subject to
 Bromsgrove District Council Tree Preservation Order No 7 2015
 For: Wayside Care Ltd

Appendix 1

Amended TPO Plan



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Appendix 2

Gavin Boyes

From: Rakesh Kotecha <rakesh@hsmidlands.com>
Sent: 16 September 2015 17:23
To: Gavin Boyes
Cc: timothy beardsley
Subject: FW: Wayside Care Limited
Attachments: Wall repairs.doc

Gavin

Thank you for your email dated 9 September 2015.

I have passed on your email to the drain doctor who is dealing with our drains and also to the builder for the wall.

The email below from the drain doctor confirms that it would not be possible to redirect the drains and therefore the only option that he can see is for the tree (T1) to be removed from the TPO. As you are aware this is a public health issue currently.

Also attached is the quotation from a builder who confirms that whilst the wall can be built as you propose, this is only a short term measure and the building company, who are very experienced and have been operating over 40 years working with local authorities, universities as well as building 5* hotels, would provide no guarantee for the work.

The only way forward that I can see is for T1 to be removed.

I look forward to having your positive response.

Kind Regards

Rakesh Kotecha

Vice Chair - Rutland East Midlands Care Association
Director West Midlands Care Association

 07967 551 135 / 0116 2442050

 0116 244217

 rakesh@hsmidlands.com

 13C Saffron Way

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LE2 6UP

From: Michael Baddeley [mailto:michael@draindoctorbirmingham.com]
Sent: 16 September 2015 15:36

From: Gavin Boyes [mailto:Gavin.Boyes@bromsgroveandredditch.gov.uk]

Sent: 23 September 2015 14:17

To: rakesh@hsmidlands.com

Cc: Bits Dent <r.dent@bromsgroveandredditch.gov.uk>

Subject: FW: Wayside Care Limited

Dear Mr Kotecha, my colleague had a look at the tree yesterday and following our discussions and consideration of the issues the conclusion reached is as follows:

1. The Beech tree T1 of Bromsgrove District TPO (7) 2015 is a very good growth and showing no visual signs of disease, structural defect of decline in condition.
2. Beech tree T1 is a highly prominent feature tree within the street scene of New Road and is visible for a considerable distance in both direction along the road from the property. It offers a very high degree of visual amenity and habitat value to the area and therefore is justifiable to TPO protect the tree.
3. The wall on the boundary of the neighbours drive can clearly be repaired using methods that are likely to be successful in preventing its future movement and without causing undue damage to the root plate of the Beech tree T1.
4. If the existing drains are beyond repair by root cutting injection and lining methods which I would have no objection to being carried out and would have every confidence would not harm Beech tree T1. Then the excavation to install a new drain would seem to be the only other option. In this scenario there would seem no point in felling the Beech tree to accommodate installing a new drain in view taking into account the impact this would have on the character of the area and extra cost this would incur when there is another route available allowing its retention which in my view there would appear to be.
5. It is my opinion that the main sewer line is highly likely to run within the line of New Road or associated pavements therefore this would allow a lateral line link from any reasonable direction from the adjoining properties which being on a higher ground level would also easily allow a direct fall to the main sewer to be achieved.
6. I would as previously mentioned be willing to remove the Golden Cypress tree removing T2 from the provisional order to accommodate the alternative routing of the drain line if required.
7. I would also be willing to allow a slight incursion into the 11m root protection area of Beech tree T1 if required but the incursion would need to be as limited as possible and may require the trenching within the RPA to be carried out by hand digging retaining any major root found.
8. There is also a mature Lawsons Cypress tree standing directly over the line of the existing drainage line. This tree also could be influencing the drain so it is at this stage unclear as to which tree may be causing the problem. The Lawson Cypress tree is not included within the Bromsgrove District TPO (7) 2015 and I would have no objection to the removal of this tree.

In conclusion as things stand I still feel that Beech tree T1 is too valuable a feature tree to lose while there are in my view suitable options available to resolve the drainage and wall disturbance issues raised. Therefore it is my intention to recommend to our planning committee that Beech tree T1 remains within Bromsgrove District TPO (7) 2015 and protected.

Best Regards

Gavin Boyes

Senior Tree Officer

Bromsgrove & Redditch Councils

From: Rakesh Kotecha [mailto:rakesh@hsmidlands.com]

Sent: 16 September 2015 17:23

To: Gavin Boyes

Cc: Timothy Beardsley

Subject: FW: Wayside Care Limited

Gavin

Thank you for your email dated 9 September 2015.

I have passed on your email to the drain doctor who is dealing with our drains and also to the builder for the wall.

The email below from the drain doctor confirms that it would not be possible to redirect the drains and therefore the only option that he can see is for the tree (T1) to be removed from the TPO. As you are aware this is a public health issue currently.

Also attached is the quotation from a builder who confirms that whilst the wall can be built as you propose, this is only a short term measure and the building company, who are very experienced and have been operating over 40 years working with local authorities, universities as well as building 5* hotels, would provide no guarantee for the work.

The only way forward that I can see is for T1 to be removed.

I look forward to having your positive response.

Kind Regards

Rakesh Kotecha

Vice Chair - Rutland East Midlands Care Association
Director West Midlands Care Association



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rakesh@hsmidlands.com



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From: Michael Baddeley [mailto:michael@draindoctorbirmingham.com]

Sent: 16 September 2015 15:36

To: 'Rakesh Kotecha' [mailto:rakesh@hsmidlands.com]

Subject: RE: Wayside Care Limited

Afternoon Rakesh,

Thank you for sending over the report regarding the above.

In order for us to root cut we would need the manhole to be empty; this is currently blocked. I have seen the manhole empty only once and been to site several times, each time lifting the cover and attempting to unblock. The manhole is over 2m deep with a small drain channel opening and there is a strong possibility that the hydraulic root cutter would not fit through the opening. If it could fit, then I would expect it to become stuck immediately. I have managed to survey the first few metres of the drain before the camera was submerged in water and noticed the joints are largely displaced. Hydraulic root cutting is not a viable option.

Due to the time spent and difficulty we have experienced in trying to unblock the drain, I believe that this drain run is beyond repair using cured in place drain relining techniques. Also, prior to relining you would require the drain run to be root cut and free of roots; again, root cutting is not an option therefore alternative methods of repair will have to be carried out.

In my opinion, replacement of the existing drain is the only option and way forward. Whether it be replacement of drain along the existing drain line, or a diversion across the lawn, I am certain that this would fall within the RPA radius of 11m. Should these repairs not be carried out, there will continue to be a risk to public health at the care home.

Should you have any queries please do not hesitate to contact me.

Kind Regards

Michael Baddeley

Drain Doctor Birmingham

T: 01527 501700

F: 01527 501635

draindoctorbirmingham.com

Follow us on **Twitter** and **Facebook** !

From: Rakesh Kotecha [mailto:rakesh@hsmidlands.com]

Sent: 16 September 2015 11:35

To: michael@draindoctorbirmingham.com

Subject: FW: Wayside Care Limited

Kind Regards

Rakesh Kotecha

Vice Chair - Rutland East Midlands Care Association
Director West Midlands Care Association



07967 551 135 / 0116 2442050



0116 2442177



rakesh@hsmidlands.com



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From: Gavin Boyes [mailto:Gavin.Boyes@bromsgroveandredditch.gov.uk]

Sent: 09 September 2015 10:11

To: rakesh@hsmidlands.com

Cc: Rita Dent [mailto:r.dent@bromsgroveandredditch.gov.uk]; timbeardsley@me.com

Subject: RE: Wayside Care Limited

Hello Rakesh, thank you for taking the time to meet and discuss the tree and drainage issues at Wayside 25 New Road Bromsgrove yesterday afternoon.

As discussed I feel that to carry out a root cut on the existing drainage line would be very highly unlikely to have any detrimental effect on the Beech tree standing in the far South –Western corner of the front garden to this property (T1 of Bromsgrove District TPO (7) 2015). Therefore I would have no objection to you proceeding with this work at your convenience if you so wish.

If this work cannot be carried out successfully and the drains made good for the longer term my means of lining. If you were needing to consider a new route to install a new improved drainage line I would be happy to consider in the circumstances removing T2 Golden Cypress tree from the provisional order to accommodate this course of action if required. My reasoning behind this is that of all the tree within the order this is arguably the lesser prominent and quality tree of the trees covered.

I measured the girth of the Beech tree at breast height to be 290cm. Therefore it would require a BS5837:2012 recommended root protection area (RPA) of a radial distance of 11 meters from the main stem which we measured at two points and marked on the ground with Blue paint.

I would be happy to allow a slight incursion into this zone if required but it would need to be as limited as possible and may require the trenching within the RPA to be carried out by hand digging retaining any major root found.

In respect of the closely abutting wall to the base of the tree on the boundary with the neighbouring property. I feel that there would be methods of reconstructing the wall that would led to minimum root plate damage of the tree and robust wall resilient to any potential future damage i.e. possible pile and steel bracing construction.

I would like to mention that there was no evidence of the drainage problem at the time the TPO was raised on the Beech tree.

I will await you feedback following your further advice from you drainage advisors.

Best Regards
Gavin Boyes
Senior Tree Officer
Bromsgrove & Redditch Councils

From: wayside (mailto:waysideho@gmail.com)
Sent: 07 September 2015 16:27
To: Gavin Boyes; Rasma Sultana
Cc: Timothy beardsley; Rita Deh
Subject: Wayside Care Limited

Dear Gavin

I hope you are well?

As discussed earlier I look forward to seeing you tomorrow. I have also requested that our neighbour, Tim Beardsley, joins us if he is available to as he wrote to you which then instigated your call to me. I did write to yourself and your colleague, Mrs Sultana but received no response from either of you.

As per our conversation please find attached the report we have commissioned with regards to the TPO. I am more than happy to discuss this tomorrow. As you can see from the report there is an urgent health and safety issue with regards to the drains at Wayside, which cannot be resolved due to the TPO's which Bromsgrove Council are putting in place. The drains were initially effecting Wayside alone, however, now the drains issue is effecting the public and residents on New Road.

I look forward to seeing you tomorrow.

Kind Regards

Rakesh Kotecha

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Leicester

LE2 6UP

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G.HARRISON

BUILDRITE**LEICESTER LTD**

UNIT 12A
 SAFFRON WAY
 LEICESTER
 LE2 6UP
 TEL: (0116) 283 7177
 FAX: (0116) 283 7188
 sales@buildrite.co.uk
 www.buildrite.co.uk

Mr Rakesh Kotecha
 Wayside Care Limited
 13c Saffron Way
 Leicester
 LE2 6UP

Friday 11th September 2015

RE: Wall repairs – Wayside Care Home, 25 New Road, Bromsgrove, B60 2JQ

Dear Sirs

Further to your recent enquiry regarding the reconstruction of the brick wall as outlines using steel pilling etc. I am of the opinion that this would only act as a temporary solution and would offer no guarantees for the work carried out. In my opinion the tree is not suitable for the location in which stands and should be removed and replaced with a more suitable species.

Our quotation to repair the walls in question as described would be **£ 2,400.00** (No guarantee offered)

Please Note

- Our offer remains open for sixty days from date of tender after which confirmation must be sought.
- This quotation is based on normal working hours.
- This quotation excludes VAT, which should be added at the current rate.

I trust I have interpreted your instructions correctly, if however, you have any questions please do not hesitate to contact me.

Yours faithfully



Duncan Hutton
 Director of Business and Resources
 G. Harrison (Buildrite) Leicester Ltd.



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Appendix 2

Gavin Boyes

From: Rakesh Kotecha <rakesh@hsmidlands.com>
Sent: 25 September 2015 10:11
To: Gavin Boyes
Cc: Rita Dent, paul.saunders@worcsregservices.gov.uk, 'Richard Jonws', 'timothy beadsley', Rita Dent
Subject: RE: Wayside Care Limited
Attachments: FW: Wayside Care Limited

Hi Gavin

I am extremely disappointed with your email and totally disagree with it.

Your email clearly shows that you are adamant to have the TPO on T1 when it has clearly been proven by 3 professional organisations that by having T1 there is a public health issue which cannot be resolved.

Can you confirm on what professional grounds you have made the decision that the drain can be redirected contrary to the report you have had from the professional?

Can you also confirm on what professional grounds you have made the decision that the wall can be built properly contrary to the letter you have had from the professional with the quote of doing the work which clearly confirms that they would provide no guarantee for the work as they do not believe, after some 40 years' experience in the industry working with Universities and local authorities <http://www.buildrite.co.uk/services.html> that by building the wall with the tree there would resolve the issue?

For those who did not receive my previous email with the builders quotation and also the response from the drain doctor, I have attached this for your perusal.

I look forward to hearing from you.

Kind Regards

Rakesh Kotecha

Vice Chair - Rutland East Midlands Care Association
Director West Midlands Care Association

 07967 551 135 / 0116 2442050

 0116 2442177

 rakesh@hsmidlands.com

 13C Saffron Way

Leicester

LE2 6UR



Appendix 3 T1 Beech

Appendix 3

T1 Beech

T2 Silver Birch

oddly like rammed snowdrifts



Appendix 3

T1 Beech

DAITF
to be removed
from grades

T2 Silver
Birch



Appendix 3

T2
Silver
Birch

T5
Golden
Elypress

T3
Pine



Appendix 3

T4 Silver Birch

T6 Pine

T3 Pine

T5



Appendix 3

T8: Yew

T9: Yew



Appendix 3

T8 Lime





Damage to walls

Appendix 3

Appendix 4 Provisional Order

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Town and Country Planning Act 1990

Tree Preservation Order (7) 2015

Bromsgrove District Council in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Tree Preservation order (7) 2015

Interpretation

- 2.— (1) In this Order “the authority” means Bromsgrove District Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 29th July 2015

Signed on behalf of Bromsgrove District Council



Authorised by the Council to sign in that behalf

Appendix 4

First Schedule

Trees specified individually

(circled in red on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T.1.	Beech	396096 / 270518	In front garden 25 New Road
T.2.	Golden Cypress	396109 / 270520	In front garden 25 New Road
T.3.	Silver Birch	396113 / 270511	In front garden 25 New Road
T.4.	Pine	396123 / 270495	In front garden 27 New Road
T.5.	Silver Birch	396128 / 270491	In front garden 27 New Road
T.6.	Golden Cypress	396149 / 270499	In front garden 27 New Road
T.7.	Pine	396142 / 270493	In front garden 27 New Road
T.8.	Yew	396046 / 270570	In front garden 19 New Road
T.9.	Lime	396054 / 270560	In front garden 27 New Road
		NONE	

Trees specified by reference to an area

(within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
-------------------	--------------------	------------	------------------

NONE

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
-------------------	--------------------	------------	------------------

NONE

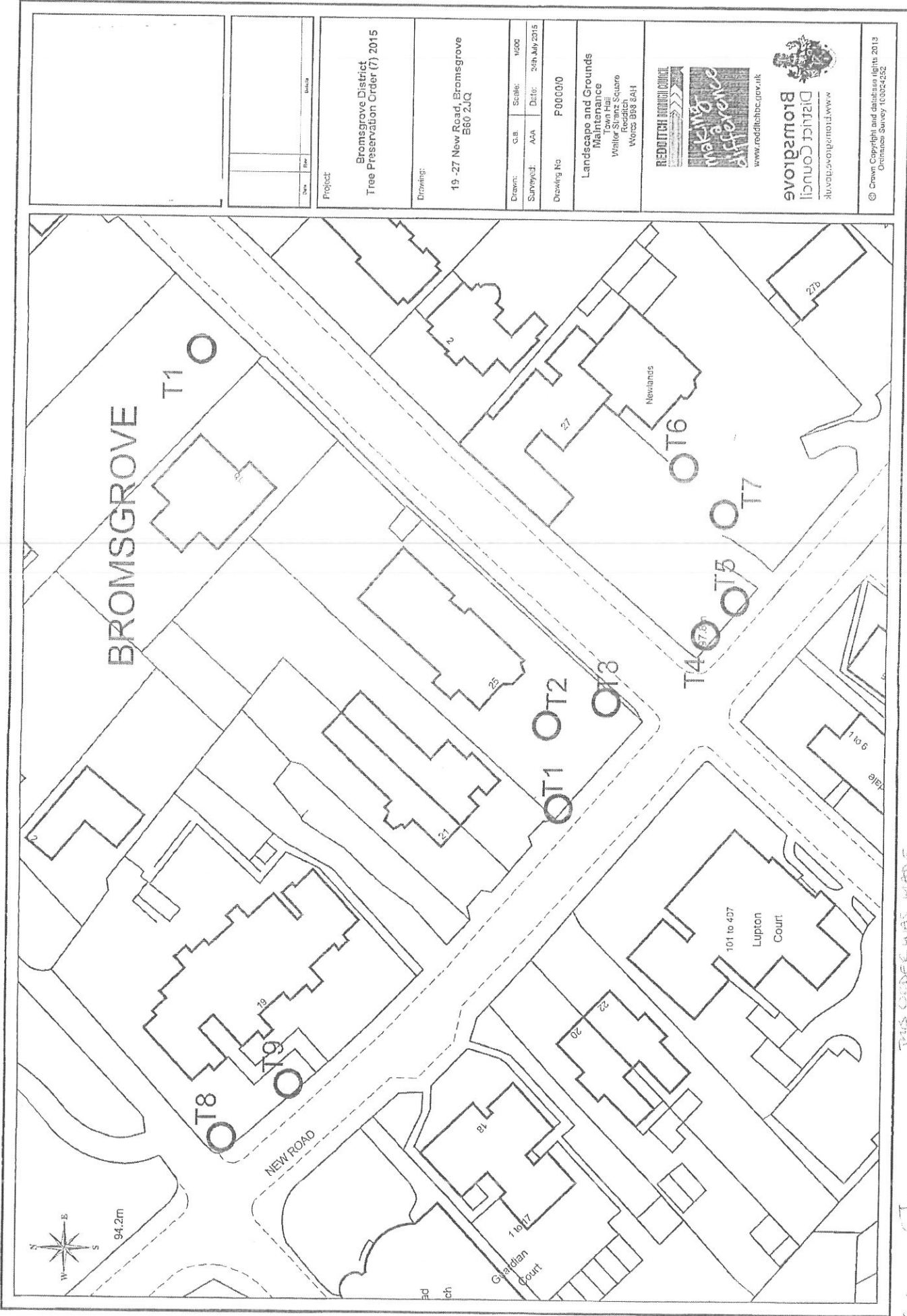
Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
-------------------	--------------------	------------	------------------

NONE

Appendix 4



Sheet	File	Scale

Project:
**Bromsgrove District
 Tree Preservation Order (7) 2015**

Drawing:
 19 -27 New Road, Bromsgrove
 B60 2JQ

Drawn: G.A. Scale: 1:600
 Surveyed: A.A.A. Date: 24th July 2015
 Drawing No: P000010

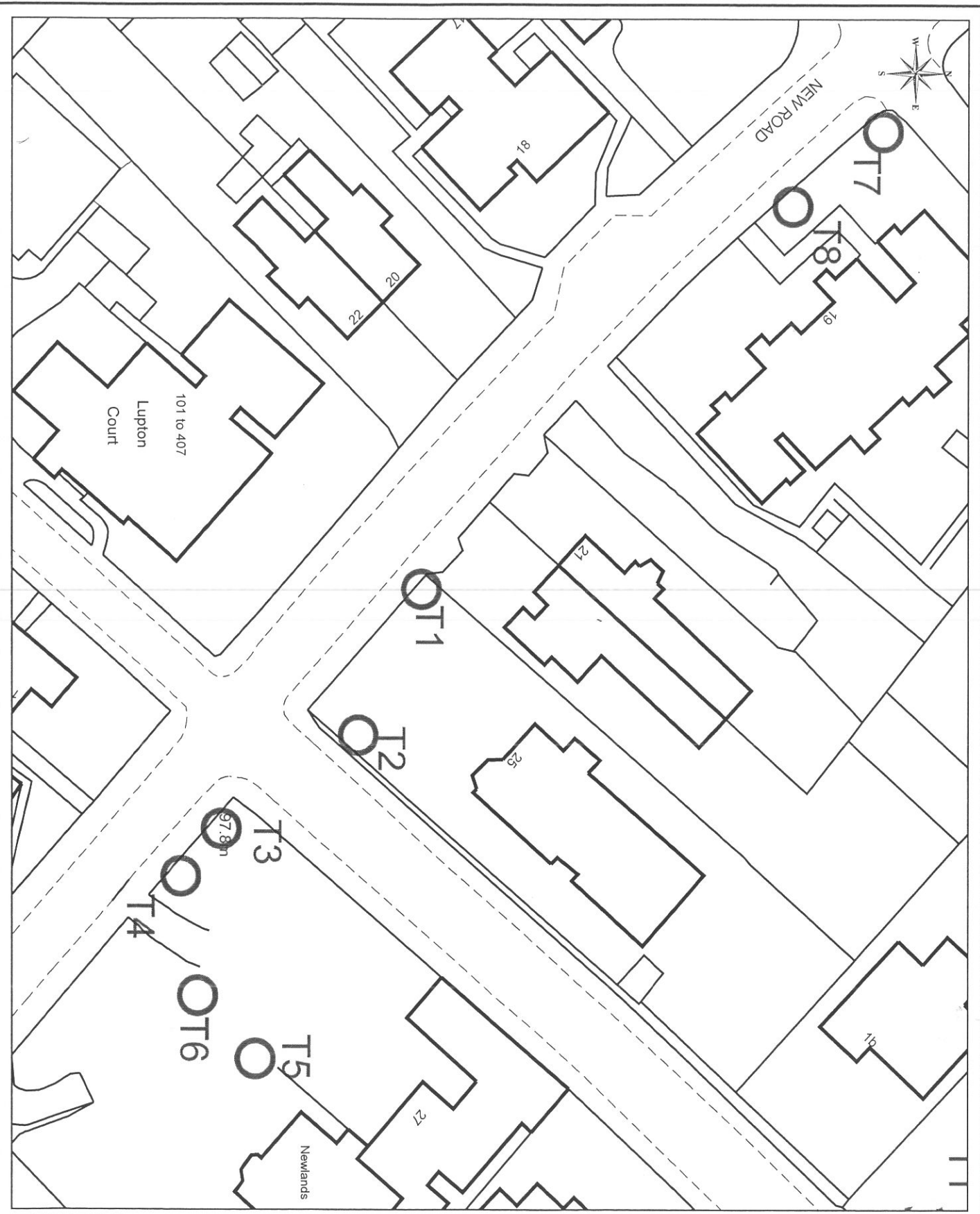
Landscapo and Grounds
 Maintenance
 Town Hall
 Walker Street Square,
 Redditch
 Worcestershire B98 8AH



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 Ordnance Survey 10004252

Wm Thompson
 THIS ORDER WAS MADE
 ON 07/07/2015 BY
 BROMSGROVE DISTRICT COUNCIL

Appendix 5



Date	Rev	Details

Project:

Drawing:

Location Details

Drawn: AAA **Scale:** 1/600

Surveyed: AAA **Date:** 888 2013

Drawing No: P0000/0

Landscape and Grounds Maintenance

Town Hall
Walter Street Square
Worcestershire B98 9AH

Bromsgrove District Council
www.bromsgrove.gov.uk

making a difference

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Ordnance Survey 100024252

Appendix 5

First Schedule

Trees specified individually

(circled in red on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T.1.	Beech	396096 / 270518	In front garden 25 New Road
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T.7.	Yew	396046 / 270570	In front garden 19 New Road
T.8.	Lime	396054 / 270560	In front garden 27 New Road
		NONE	

Trees specified by reference to an area

(within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
		NONE	

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
		NONE	

Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
		NONE	