

APPENDICES 1

BROMSGROVE DISTRICT COUNCIL – STRATEGIC PLANS – TREES & LANDSCAPE

MEMORANDUM



From:	Gavin Boyes Senior Tree Officer	To:	Rasma Sultana, Vanessa Brown Legal Department Bromsgrove		
My Ref:	Bromsgrove District TPO (10) 2015, 15 Cherry Hill Lane, Barnt Green.	Your Ref:	Bromsgrove District TPO (10) 2015,15 Cherry Lane, Barnt Green		
Please ask for:	Gavin Boyes	Ext	3094	Date	10 th December 2015

Re: Request to Confirm The Order

I would like to request at the next available Planning Committee meeting that the committee consider the confirmation of the above order for the reasons outlined below.

Reasons For Proposal

The order was raised on the 16th October 2015 due the woodland having been recently sold at auction. During the time the woodland was advertised for sale we received a number of enquiries from interested parties who asked questions regarding whether there were any restrictions on the site in relation to the tree stock which may affect any future potential development on the site. The site does fall within the Barnt Green conservation area but this would only require any new owner provides us with six weeks notice in writing before they carryout any tree management on the site. This is not as robust as protection under a Tree Preservation Order (TPO) and therefore in view of the above I felt it prudent to raise a TPO order on the site to provide the higher level of protection to the site that this provides.

Representations Received : Objections.

Appendices 2. Letter dated 22nd April 2015 and 29th October 2015 From Reuben Hayes, Apex Environmental Ltd on behalf of the owner Mr Syed Bukhari.

My Comments in response to the points raised.

1. As stated above the woodland was subject to conservation area status prior to the raising of the TPO but would only require the owner of the site to notify us in writing six weeks prior to carrying out any work on the trees within the site with a stem diameter of 7.5cm or above at 1.3m above ground level. However if we did not agree with the level of work proposed and the owner was not prepared to compromise with us to agree an acceptable level of work we would have to potentially raise a TPO order on the site to establish a higher level of control over the site. Having received enquiries prior to the sale of the site that strongly indicated that a potential purchaser was likely to develop on the site it seemed prudent and fair to raise the order as soon as possible. There is no restriction on a TPO and conservation area cover co-existing on an area therefore I believe it was fully justifiable to do so.
2. The owner made an application for permission to carry out work on the site (see appendix 3) and was granted permission to carry out some of the works applied for (see appendix 4). However they have since grossly exceeded the level of work that permission was granted for which has included the clearance of the majority of the Laurel and other minor native tree stock on the site. Access to large proportion of the site is now open and unrestricted.
3. The site contains a heavy and dense stock of varied species of trees and understorey shrubbery. The density and nature of the stock is typical of woodland. Therefore a Woodland order was applied to the site to ensure the cover of all existing stock was assured. I would accept that there is a high percentage of Laurel within the site that ideally in the longer term and best practise management of a site of this nature should be removed in a sympathetic manner to ensure the welfare of other species trees. The removal of dead, dying and fallen trees is also permitted with sites subject to TPO protection without requiring a formal consent.

4. As previously mentioned in point 2 of my comments, the site has now been widely open up by the removal of Laurel and other minor tree stock. Access to a large proportion of the site is now unrestricted.
5. The site is now clearly defined by hedges and newly installed fence lines from the neighbouring residential property and also boundaries on two sides to wider existing and established woodland. I therefore feel that its Woodland order designation is fully appropriate.
6. I agree the site has clearly been unmanaged for some period of time. However, the TPO on the site gives the Local Authority control over what level of management is carried out to ensure it is appropriate for the nature of the site and the welfare of the environment. Any application for permission to carry out works will always be subjectively assessed and appropriate style and levels of work are likely to be agreed.
7. Work was granted in relation to a recent application made (see appendix 4). This level of work was permitted to allow improved access so as further detailed assessment of the site could be made to allow more accurate assessment of the site and future proactive works.
8. The site adjoins wider existing woodland which is one of the major features of the area forming part of Lickey Hill Country Park. The site is visible to a well-used main path running closely adjacent to the site through the adjoining Local Authority Woodland, residents of neighbouring properties and users of Cherry Hill Road. I therefore feel it is fully appropriate to make the Order on amenity value grounds in view of the volume of passers-by that benefit from it visually.
9. It is common to have trees on a number of properties included within one Order and feel that the order clearly defines what trees are covered without scope for confusion.
10. The tree stock in the adjoining woodland is more widely spaced and more mature than that on the subject site and also contains a lower volume of understorey shrubbery and no volume of Laurel. But both woodlands being typical of English woodlands contain a mixed species of trees of value to protect only the Oak on the site would not be appropriate.
11. Only parts of Cherry Hill Road are property lined other sections have a varied mix of rural aspects and out looks.
12. There have been two previous provisional orders on the site but all orders ran back to back so the site was never without protection since the raising of the first order in 2014. The level of work that has now been carried out is full vindication that the site needed a higher level of protection.
13. It is clear from the level of tree work that has now been undertaken on the site that the trees were and are at threat and that a TPO protection of the site was required and is justified.
14. If we became aware of any other woodland in the area of similar quality became under a similar level of threat of mismanagement I would certainly consider its TPO protection. You must have a cause reason to validate the expediency to raise a TPO on a site which I feel we clearly have in this case.
15. Any application under the TPO legislation for an appropriate level and suitable style of management on the site will be subjectively assessed and is likely to be granted.

Recommendation:

The trees and woodland included within this order offer a high degree of habitat and amenity value to the area. Therefore I recommend to the committee that the order should be confirmed and made permanent.

Appendices 1. Tree Officer Report

Appendices 2. Letter Of Objection From Reuben Hayes Dated 22nd April 2015 and 29th October 2015

Appendices 3. Application Form Permission To Carry out work reference number TPO15/042

Appendices 4 Officer comments and decision notice of permission granted application TPO15/042

Appendices 5 Photographs of site

Appendices 6 Copy Of Tree Protection Order dated 16th October 2015

Head of Legal
Equalities and Democratic Services
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Date: 22nd April 2015

Dear Sirs/Madam,

Objections listed to the inclusion of trees under Tree Preservation Order (No.4) 2015

Please find enclosed a copy of the assessment of the land adjoining 15 Cherry Hill Road, Barnt Green, and its scoring. This scoring is based on what I have found at the time of the inspection. As you will recall the majority of the site was over crowded by none native species and it was hard to fully assess the whole site.

However, it is useful to raise the following objections:

1. The site is already protected by a Conservation Area, which would require the land owner submitting a notification of intended works to the Local Authority 6 weeks before carryout any works. Due to this protection, the additional protection of the Tree Preservation Order is unjust. One of the main requirements of protecting trees, is that they must be under threat. This is not the case in this situation as they are already protected by the virtue of being within a Conservation Area, and that no notification has been submitted requesting the removal of the trees.
2. We are unable to fully assess the site due to the close grown trees. Including a high number of self set trees, and none native species, already flourishing on the site.
3. Again the Tree Preservation Order is vague on which trees are listed, as it only makes reference to all broadleaf trees. This therefore currently protects all the trees on the site and these are now suppressing each other, causing their demise. This is evident as several trees have failed and others are dead.
4. The current number of trees on the site is hindering the owner the full enjoyment of the land. This means the land owner is unable to assess the land from any public place, and unable to carryout maintenance on the site. They are also unable to enter and enjoy the site as a normal family would be expected to.

Apex Environmental

A fresh approach to caring for trees

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E: reuben@caring4trees.com

5. The current site will require further works to ensure it is secure from trespass; again the land owner is unable to fulfil this right, due to the current number of trees which dominate the edges.
6. The area was once part of the neighbouring property and therefore could be classed as residential. The inclusion of a Woodland Tree Preservation Order should not be made on residential land as stated by central government, and is also listed within the Government guidance.
7. The area has been neglected for a number of years, it is reasonable and correct that the landowner should be able to carry out maintenance works unhindered. The inclusion of the Tree Preservation Order could hinder his right to carryout necessary maintenance works.
8. A number of works on this site need to be carried out as a matter of urgency, these being:
 - I. The removal of none native trees (Laurel)
 - II. The removal of all dead trees on site
 - III. The removal of trees touching the BT lines to the front (abate an actionable nuisance)
 - IV. Pruning back of trees which are overhanging the neighbouring property (especially the one touching the neighbour's garage, again abate an actionable nuisance)
 - V. The pruning back of vegetation from the highways (requirement under the Highways Act)
 - VI. The thinning out the woodland understory (by at 50%)
9. The order states that the Order was made in the interests of amenity. Again as listed above the area is overgrown with self set trees and Laurel. There are no special trees on site and it does not provide any special amenity value.
10. Currently the plan shows land protected by the order which is under the ownership of 15 Cherry Hill Road. The inclusion of trees within someone else's land could raise confusion in the future, and should be made into two separate orders.
11. There is high amenity value woodland to the side of this land. As you look at this land you will see that the majority of the trees are oak, with little other species. There is also a much lighter feel to this site due to the more sparse nature of the woodland. In order to create a similar feel to the area, the Tree Preservation Order should be modified to list only the Oak species.

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12. This site is situated along a road of residential properties and this parcel of land is out of keeping with the neighbouring properties.
13. A Tree Preservation Order has already been placed on these trees. At the time no untoward works were carried out. This Order was not confirmed within the time set, this allowed the trees to become unprotected by the Tree Preservation Order. During this time the trees were not under threat, and no works were carried out. As the trees are not under threat from the current owner, then it can be seen that the making of the order is not expedient of the Local Authority to continue with the making of a new order.
14. The placing of a Tree Preservation Order should be placed on trees ***'which bring significant amenity benefit to the local area. This protection is particularly important where trees are under threat'*** (point 2 – A guide to tree preservation procedures). As stated above and also from the Tree Preservation Order documents supplied, the trees are not under threat and the Local Authority has also assessed these trees in the interests of amenity. It is therefore noted that these trees do not in the view of the Local Authority do not have significant amenity to the local area.
15. The owner of the wood has informed me that he was also interested in purchasing another area of land along the same road, this was also for sale at the same auction. To our knowledge this other area of land has not been protected by a Tree Preservation Order. If this is the case, then again why has this area of land been protected and not the other area of land?
16. These trees are not under threat or of significant amenity benefit to the local area. Therefore this order should be allowed to lapse and allow the land owner the necessary time to carry out the necessary works as listed above, and to allow an entrance to be opened up to the front. This will allow the owners full enjoyment of the land. The land owner may also need to carry out further works to stop trespass from occurring, such as stock fencing or similar type fencing.
17. Please can you also supply details on the Council's constitution with particular reference to making Tree Preservation Orders, and attending committee meetings.

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18. I have also been on the Council's website, unfortunately you do not have your tree strategy document listed. Therefore I would also like a copy of the Council's tree strategy, including any documents on the procedures for making and the amenity assessment criteria for placing tree preservation orders.

Yours faithfully



Mr Reuben Hayes
Director
M.Arbor.A

CC - Mr Sehdeva

APPENDICES 2



1 Boathouse Field | T: 0121 249 1235
Lichfield | T: 01543 255565
Staffordshire | W: www.ael-treeconsultants.co.uk
WS13 6ND | E: info@ael-treeconsultants.co.uk

Head of Legal
Equalities and Democratic Services
Bromsgrove District Council
The Council House
Burcot Lane
Bromsgrove
Worcestershire
B60 1AA

Your Ref: TPO (10) 2015

Our Ref: 15-122

Date: 29th October 2015

Dear Sirs/Madam,

Objections listed to the inclusion of trees under Tree Preservation Order (No.10) 2015, 15 Cherry Hill Road, Barnt Green

Please find enclosed a copy of the assessment of the land adjoining 15 Cherry Hill Road, Barnt Green, and its scoring. This scoring is based on what I have found at the time of the inspection. As you will recall the majority of the site was over crowded by none native species and it was hard to fully assess the whole site.

However, it is useful to raise the following objections:

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2. We are unable to fully assess the site due to the close grown trees. Including a high number of self set trees, and none native species, already flourishing on the site.
3. Again the Tree Preservation Order is vague on which trees are listed, as it only makes reference to all broadleaf trees. This therefore currently protects all the trees on the site and these are now suppressing each other, causing



their demise. This is evident as several trees have failed and others are dead.

4. The current number of trees on the site is hindering the owner the full enjoyment of the land. This means the land owner is unable to assess the land from any public place, and unable to carryout maintenance on the site. They are also unable to enter and enjoy the site as a normal family would be expected to.
5. The area was once part of the neighbouring property and therefore could be classed as residential. The inclusion of a Woodland Tree Preservation Order should not be made on residential land as stated by central government, and is also listed within the Government guidance.
6. The area has been neglected for a number of years, it is reasonable and correct that the landowner should be able to carry out maintenance works unhindered. The inclusion of the Tree Preservation Order could hinder his right to carryout necessary maintenance works.
7. A number of works on this site need to be carried out as a matter of urgency, these being:
 - I. The removal of none native trees (Laurel)
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8. The order states that the Order was made in the interests of amenity. Again as listed above the area is overgrown with self set trees and Laurel. There are no special trees on site and it does not provide any special amenity value.

9. Currently the plan shows land protected by the order which is under the ownership of 15 Cherry Hill Road. The inclusion of trees within someone else's land could raise confusion in the future, and should be made into two separate orders.
10. There is high amenity value woodland to the side of this land. As you look at this land you will see that the majority of the trees are oak, with little other species. There is also a much lighter feel to this site due to the more sparse nature of the woodland. In order to create a similar feel to the area, the Tree Preservation Order should be modified to list only the Oak species.
11. This site is situated along a road of residential properties and this parcel of land is out of keeping with the neighbouring properties.
12. A Tree Preservation Order has already been placed on these trees. At the time no untoward works were carried out. This Order was not confirmed within the time set, this allowed the trees to become unprotected by the Tree Preservation Order. During this time the trees were not under threat, and no works were carried out. As the trees are not under threat from the current owner, then it can be seen that the making of the order is not expedient of the Local Authority to continue with the making of a new order.
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14. The owner of the wood has informed me that he was also interested in purchasing another area of land along the same road, this was also for sale at the same auction. To our knowledge this other area of land has not been protected by a Tree Preservation Order. If this is the case, then again why has this area of land been protected and not the other area of land?
15. These trees are not under threat or of significant amenity benefit to the local area. Therefore this order should be allowed to lapse and allow the land owner the necessary time to carry out the necessary works as listed above, and to allow an entrance to be opened up to the front. This will allow the



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owners full enjoyment of the land. The land owner may also need to carry out further works to stop trespass from occurring, such as stock fencing or similar type fencing.

16. Please can you also supply details on the Councils constitution with particular reference to making Tree Preservation Orders, and attending committee meetings.
17. I have also been on the Council's website, unfortunately you do not have your tree strategy document listed. Therefore I would also like a copy of the Councils tree strategy, including any documents on the procedures for making and the amenity assessment criteria for placing tree preservation orders.
18. The date and title on the current plan is either out of date with the making of the new TPO, or doctored to make the new title. As this is a legal document the title and date must match and be legible.

Yours sincerely

Mr Reuben Hayes
M.Arbor.A; MCMi
Managing Director
Apex Environmental Ltd

APPENDICES 3



Bromsgrove
District Council

www.bromsgrove.gov.uk

Application for tree works: works to trees subject to a tree preservation order (TPO) and/or notification of proposed works to trees in a conservation area.
Town and Country Planning Act 1990

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website.
If you require any further clarification, please contact the Authority's planning department.

1. Applicant Name, Address and Contact Details

Title:	Mr	First name:	Reuben	Surname:	Hayes		
Company name:	Apex Environmental Ltd						
Street address:	10 Salisbury Close			Country Code	National Number	Extension Number	
				Telephone number:	0121 249 1235		
				Mobile number:	07968 442929		
Town/City:	Birmingham			Fax number:			
County:				Email address:			
Country:	United Kingdom						
Postcode:	B13 8JX				reuben@caring4trees.com		
Are you an agent acting on behalf of the applicant?				<input checked="" type="radio"/> Yes <input type="radio"/> No			

2. Agent Name, Address and Contact Details

Title:	Mr	First Name:	Reuben	Surname:	Hayes		
Company name:	caring4trees						
Street address:	10 Salisbury Close			Country Code	National Number	Extension Number	
				Telephone number:	0121 249 1235		
				Mobile number:	07968442929		
Town/City:	Birmingham			Fax number:			
County:				Email address:			
Country:	United Kingdom						
Postcode:	b13 8jx				reuben.hayes@hotmail.co.uk		

3. Trees Location

Please provide the address of the site where the tree(s) stands (full address if possible):

House:	<input type="text"/>	Suffix:	<input type="text"/>	Description: <input type="text" value="Land to the side of 15 Cherry Hill Road"/>
House name:	<input type="text" value="Land to the side of 15"/>			
Street address:	<input type="text" value="Cherry Hill Road"/>			
Town/City:	<input type="text" value="Barnet Green"/>			
County:	<input type="text"/>			
Postcode:	<input type="text" value="B45 8LJ"/>			

If the location is unclear or there is not a full postal address, either describe as clearly as possible where it is (for example, 'Land to rear of 12 to 18 High Street' or 'Woodland adjoining Elm Road') or provide an Ordnance Survey grid reference:

4. Trees Ownership

Is the applicant the owner of the tree(s)? Yes No

If No, please provide the address of the owner (if known and if different from the tree location):

Title:	<input type="text" value="Mr"/>	First name:	<input type="text" value="Kabir"/>	Surname:	<input type="text" value="Syed"/>				
House:	<input type="text"/>	Suffix:	<input type="text"/>	Company name:	<input type="text"/>				
House Name:	<input type="text"/>			Country Code:	<input type="text"/>	National Number:	<input type="text"/>	Extension Number:	<input type="text"/>
Street Address:	<input type="text"/>			Telephone number:	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Town/City:	<input type="text"/>			Mobile number:	<input type="text"/>	<input type="text"/>	<input type="text"/>		
County:	<input type="text"/>			Fax number:	<input type="text"/>	<input type="text"/>	<input type="text"/>		
Country:	<input type="text"/>			Email address:	<input type="text"/>				
Postcode:	<input type="text"/>								

5. What Are You Applying For?

Are you seeking consent for works to a tree(s) subject to a TPO? Yes No

Are you wishing to carry out works to tree(s) in a conservation area? Yes No

6. Tree Preservation Order Details

If you know which TPO protects the tree(s) enter its title or number below

7. Identification Of Tree(s) And Description Of Works

Please identify the tree(s) and provide a full and clear specification of the works you want to carry out. Continue on a separate sheet if necessary. You might find it useful to contact an arborist (tree surgeon) for help with defining appropriate work. Where trees are protected by a TPO, please number them as shown in the First Schedule to the TPO where this is available. Use the same numbers on your sketch plan (see guidance notes).

Please provide the following information below: tree species (and the number used on the sketch plan) and description of works. Where trees are protected by a TPO you must also provide reasons for the work and, where trees are being felled, please give your proposals for planting replacement trees (including quantity, species, position and size) or reasons for not wanting to replant.

E.g. Oak (T3) - fell because of excessive shading and low amenity value. Replant with 1 standard ash in the same place.

8. Trees - Additional Information

For all trees

A sketch plan clearly showing the position of trees listed in Question 7 must be provided when applying for works to trees covered by a TPO. A sketch plan is also advised when notifying the LPA of works to trees in a conservation area (see guidance notes). It would also be helpful if you provided details of any advice given on site by an LPA officer.

For works to trees covered by a TPO

Please indicate whether the reasons for carrying out the proposed works include any of the following. If so, your application must be accompanied by the necessary evidence to support your proposals. (See guidance notes for further details)

1. **Condition of the tree(s)** - e.g. It is diseased or you have fears that it might break or fall:

If YES, you are required to provide written arboricultural advice or other diagnostic information from an appropriate expert.

Yes No

2. **Alleged damage to property** - e.g. subsidence or damage to drains or drives.

If YES, you are required to provide for:

Yes No

Subsidence

A report by an engineer or surveyor, to include a description of damage, vegetation, monitoring data, soil, roots and repair proposals. Also a report from an arboriculturist to support the tree work proposals.

Other structural damage (e.g. drains, walls and hard surfaces)

Written technical evidence from an appropriate expert, including description of damage and possible solutions.

Documents and plans (for any tree)

Are you providing additional information in support of your application?

Yes No

If Yes, please provide the reference numbers of plans, documents, professional reports, photographs etc in support of your application:

Management Plan for Land to the side of 15 Cherry Hill Road, Bamt Green

9. Authority Employee/Member

With respect to the Authority, I am:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

Do any of these statements apply to you?

Yes No

10. Trees - Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.



Date:

19/05/2015

Arboricultural Survey and Management Plan

Land to the side of 15
Cherry Hill Road, Barnt
Green

Reuben Hayes
M.Arbor.A

Ref: 15-107-AEL

Apex
Environmental
Ltd



10 Salisbury Close
Birmingham
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1. PARTICULARS OF INSTRUCTION

- 1.1. This report has been prepared to discharge the instruction of the client, Mr Bukhari 'The Client' in respect of a management plan on the land to the side of 15 Cherry Hill Road, Bant Green 'the site'
- 1.2. The Client, has commissioned a management plan for the future needs to fully enjoy this land and to bring it back into use.
- 1.3. **Qualifications and experience:** I have based this report on my site observations and the provided information, and I have come to conclusions in the light of my experience. I have experience and qualifications in arboriculture, and include a summary in Appendix III
- 1.4. All information given is in accordance with British Standards 5837:2012 – Trees in relation to design, demolition and construction – Recommendations.

2. CAVEAT

- 2.1. This advice and all appendices are subject to caveat as follows:
- 2.2. This report is nullified if any remedial works are undertaken on any area of the site, on or after the date of study/survey.
- 2.3. The report is only valid on the date on inspection and any deletion, editing or alteration will void it in its entirety.
- 2.4. The responsibility for any works undertaken on the basis of the recommendations of this report does not form part of this contract. No responsibility is assumed by the Author of this report or by Reuben Hayes for any legal matters that may arise as a consequence.
- 2.5. The Author of the report, will be required to attend court or give testimony as part of this contract. The report is not valid in adverse or unpredictable weather conditions or for any failure due to *Force Majure*.
- 2.6. No liability is assumed by the Author of the report for any misuse, misinterpretation or misrepresentation of information contained herein.
- 2.7. This report has been compiled using only the information made available to the Author as at the above date of inspection.
- 2.8. The assessment, unless described as "detailed" was of a preliminary nature, conducted from ground only; the tree was not climbed or inspected below ground level (inc. roots). There was no use of decay detection equipment, and only basic surveying instruments were used.
- 2.9. The Author did not have at the time of writing any information as to the integrity of the main structure, its annexes or the drainage system.

- 2.10. Water supply/drainage systems, if damaged, can allow roots to penetrate, however, if the system is sound, or after repair, roots have little capacity to access/damage underground services.
- 2.11. Any doubt as to the structural condition of properties would require the advice of a structural engineer.
- 2.12. Apex Environmental Ltd are not responsible for any works other than those invoiced for.
- 2.13. The observations are visual in nature and are made from ground level only, no climbing inspections have been carried out nor was there the use of binoculars.

3. **INFORMAL GLOSSARY**

- I. Author of report: Reuben Hayes M.Arbor.A
- II. Client: Mr Bukhari
- III. Site: Land to the side of 15 Cherry Hill Road, Barnt Green
- IV. TPO Tree Preservation Order: Yes
- V. CA Conservation Area: Yes

4. LEGAL AND POLICY INFORMATION

- 4.1. The Site falls within the catchment of the following arboricultural constraints as determined by Bromsgrove District Council.
- 4.2. Tree Protection Orders: There is a Woodland order currently protecting the broadleaf trees on this site
- 4.3. Wildlife protection:
It is a criminal offence under normal circumstances to disturb or destroy – whether intentional or unintentional - the nesting sites of wild birds or the roost sites of bats, under the 'Wildlife & Countryside Act 1981 and the 'Countryside and Rights of Way Act 2000'. Therefore, avoid carrying out significant tree works during the bird nesting season [mid- March to end of July] and ensure that trees are professionally surveyed for signs of bat roosts and/or bat activity before starting any tree work. Further advice on protected species can be obtained from the local office of 'Natural England'.
- 4.4. Conservation Area Protection: The area is within a Conservation Area
- 4.5. Site of Scientific Interest (SSSI): Protection of important sites for plants, animals, geological or physiographical features – English Nature
- 4.6. Special Area for Conservation (SAC): Protects wildlife habitats other than birds – English Nature
- 4.7. Area of Outstanding Natural Beauty (AONB): Landscape – Countryside Agency
- 4.8. Scheduled Ancient Monument (SAM): Nationally important archaeological sites – English Heritage

5. AIM OF MANAGMENT PLAN

- 5.1 To bring this unused and neglected area of land back into use for the current and future enjoyment by the family.

6. SITE HISTORY & APPLICATION BACKGROUND

- 6.1.1 The site forms part of a rural/residential area to the North East of Bant Green. Although the street has house plots on both sides, the road ends at formal farming land, with natural hedges, and large boundary trees. The area sits within a hill which falls down from the main junction of Twatling Road. Many of the properties are set back from the road side giving a more countryside feel. Most properties have a garden area to the front with the possibility of several trees facing the road. This has given the street a very rural and natural feel, given the number of properties along the road.
- 6.1.2 When turning into Cherry Hill Road from Twatling Road, there is back drop of woodland trees, with evidence of several large properties along the road.
- 6.1.3 When Turning into the Road from Kendal End Road, there is predominantly an open space housing the local cricket club, and further evidence of houses along the road.
- 6.1.4 The site and trees are the most naturally dominant feature of this road.

6.2 Topology & Exposure

- 6.2.1 The site sits on the side of a hill with a woodland look and feel, the trees within this site are of a woodland mix, with a high proportion of Laurel trees facing the road. These screen the rest of the site and the other trees within the woodland.

6.3 Land Use – Frequency of Visits

- 6.3.1 The land was once incorporated within a dwelling site (15 Cherry Hill Road). This property has since erected a simple fence along the property area and this has recently been sold. The site has not been maintained for many years and is now inaccessible in many parts.

6.4 Site location shown in red



Source: www.Google.com

7 SITE SURVEY

- 7.1 A site survey was carried out on the 24th February 2015.
- 7.2 The survey was carried out as a walk over guide to assess any current threats, dangers and to assess the suitability of the land to be included within a TPO.
- 7.3 A full appraisal of the site is listed the trees as Oak, Laurel, Birch, Yew, Holly, Maples and Sycamores.
- 7.4 The majority of the trees are early mature to semi mature and set within the boundary lines of the property.
- 7.5 The majority of the trees are understory trees and have grown up in recent years (possibly once this land became neglected).
- 7.6 Dotted within this site as some mature trees, it was not possible to count the number of trees as full access to the site in its current form is impossible.
- 7.7 Access – Currently there is no formal access from a public area to this land.
- 7.8 Ownership – The north and east boundaries side with land owned and managed by the Local Authority. The boundary to the south borders the highway (Cherry Hill Road). The West boundary borders 15 Cherry Hill Road.
- 7.9 Security – Currently there is only a low lying barb wire fence or stock fence in places. This is in need of repair or renewal.
- 7.10 Surroundings – To the South where the road lies are several shrub planting (Laurel) and semi mature trees. These overhang the highway and will require periodic pruning works. To the West is the property 15 Cherry Hill Road, again there is overhanging branches which will require periodic pruning. There is also a large Ash tree with significant overhanging branches near to the garage.
- 7.11 Historical and Archaeological – This land was once owned and used by the residents of 15 Cherry Hill Road. Over time, this land has become less used and more neglected. It was therefore once part of the urban environment and could house several human and building features. Unfortunately in its current state it is unable to be fully assessed.
- 7.12 External Constraints – There is the public highway to the south. There is also BT cables and a BT pole to the south of the land. These are both governed by statutory powers to be kept clear. To the West is a private property, there is already overhanging trees and an Ash tree which has the likelihood of causing a nuisance. There are no rights of way running through this land.
- 7.13 Land age – It is clear that there are two main ages of trees. Those that are mature and few in numbers and those that are semi mature and numerous in numbers. There is no other age class, therefore this is a conclusion that the land was once more open with only a few mature trees on the land. As this area has been unused for a time, the young generation of trees have set root and grown up at the same time.

8 MANAGEMENT OF THE LAND

- 8.1 This land is set within the residential road and was once owned by 15 Cherry Hill Road. The land was used for the private enjoyment of the family. With this in mind and the main aim for the land, which is 'to bring this unused and neglected area of land back into use for the current and future enjoyment by the family'.
- 8.2 Currently there is no access from the roadside on to this land.
- 8.3 Currently there is only minor fencing around the land to stop trespass.
- 8.4 Currently many of the trees are likely to cause a nuisance to both the neighbours at 15 and also to the statutory undertakers such as the highways and utility companies.
- 8.5 Currently there is little access throughout the land, and it has not been possible to fully assess the site.
- 8.6 Currently there are two main ages of trees, those that are mature and those that are semi mature.
- 8.7 Currently the owners are unable to fully enjoy the land in its current form.

9 LAND OBJECTIVES

- 9.1 To bring this unused and neglected area of land back into use for the current and future enjoyment by the family.
- 9.2 To create a new access from the highway on to the land with a parking area for workers and the family.
- 9.3 To update and renew the fence line.
- 9.4 To abate any current and future nuisance by carrying out necessary works in accordance with the statutory undertakers.
- 9.5 To abate any current and future nuisance by carrying out necessary works to trees which are likely to cause damage to the neighbours property.
- 9.6 To thin the trees out so that the owners can fully enjoy the land.
- 9.7 To thin the trees out so that the mature trees have space to develop and consideration can be given to the future development of some more mature trees.
- 9.8 To create openings within the land to create some open areas to help aid fauna on the site.

10 MANAGEMENT OPERATIONS

10.1 **Entrance and parking requirements** – This will require an opening of 4m wide at the entrance with the road. This will then extend into the land by 20m to create enough space to take machinery off the roadside and on to the land. The parking area will be laid to woodchip to create a more stable ground.

10.2 **Site Security** – The Laurels around the edge of the site will need to be contained to stop trespass on to neighbouring land, these were originally planted to secure the site and to create a boundary feature. The Laurels will need to be faced back to the boundary lines and reduced in height to bring them back to the hedges that they were once used for.

10.3 **Works to be carried out to abate nuisances** – There are several areas where the trees are likely to or are currently causing a nuisance. The works needed will be to remove any limb or branch which is in close proximity of the neighbours property (namely the garage). The pruning back will be in accordance with BS 3998 and will be to allow a 4m clearance between the canopy and any property.

Where the trees are overhanging the highway, the works will be to crown lift any tree to allow a clearance of 5.2m between the road surface and the canopies of the trees.

Where the trees are touching or within 2m of the BT cables, these trees are to be removed.

This will also be communicated with the statutory powers, so that they are aware of the necessary works.

10.4 **Select mature trees within the site** – To walk over the land and tag the mature trees worthy of retention.

10.5 **Select worthy semi mature trees** – To walk over the land and tag the trees worthy of retention for future development into mature trees.

10.6 **Creating openings and informal paths within the land** – To create 1.5m wide paths from the entrance in 5 areas (as shown on the plans). This will be for the family to have full enjoyment of the land. In addition to the paths there will also be 2 open area of 15m².

10.7 **Tree work operations** – In the first instance to fell any dead, dangerous or diseased tree around the roadside area and create an opening for the entrance and parking requirements. Continue to work within the land area to remove dead, dangerous or diseased trees. Thin out the land within 2 years by 50%

10.8 **Continued tree inspections** – To carry out routine tree inspections on a regular basis of once every 5 years. To carry out a walk over of the site to identify any dead, dangerous trees every 12 months or after a major storm event.

10.9 Work Action Plan

Operation	Within 3 months	Within 6 months	Within 9 months	Within 12 months	Within 18 months	Within 24 months	Within 50 Months
Entrance way creation	✓						
Parking area creation	✓						
Abatement to nuisances		✓		✓		✓	
Selecting mature trees			✓				
Selecting semi mature trees			✓				
Creating openings and informal paths		✓		✓		✓	
Pruning back Laurels		✓					
Fencing works			✓	✓	✓	✓	
Removal of dead dangerous	✓		✓	✓		✓	
Thin area by 20%			✓				
Thin area by 20%					✓		
Thin area by 10%						✓	
Detailed Tree Inspections							✓
Walk over tree inspection				✓		✓	

I hope you find this report satisfactory, please do not hesitate to contact me at my office if I can be of further assistance.

Sign:






Date: 29.04.2015

Apex Environmental Ltd
10 Salisbury Close
Birmingham
B13 8JX

APPENDIX I – SITE PLAN AND CREATION OF NEW PATHS AND OPEN AREAS



KEY:

-  Footpath creation
-  Opening
-  Car park area

APPENDIX II – PHOTOS OF SITE



Photo of site when viewed from No. 15



Invasive Laurel stands growing throughout the land



Fallen trees needing to be cleared



Overgrown area not allow growth of trees



Overhanging vegetation into road

APPENDIX III - BIBLIOGRAPHY

General

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Strouts, R.G. & Winter, T.G. (1994). Diagnosis of Ill-Health in Trees, Research for Amenity Trees No. 2, Stationery office, London.

APPENDIX IV – ABOUT THE AUTHOR

Qualifications

National Diploma (Tree Management and Arboriculture) (ND) (2000) – Warwickshire College
Higher National Diploma, Arboriculture (HND), July 2003 – Warwickshire College
CMI Management and Leadership (Level 5), May 2015 – Chartered Management Institute

Experience

Apex Environmental Ltd: May 2013 – Present
Cannock Chase Council: July 2010 – Present
rjh silvicultural and arboricultural services ltd: 2008 – 2010
London Borough of Camden: January 2005 – July 2010
Three Rivers District Council: March 2003 – January 2005
Forestry Commission: 1997 – 1998
National Trust

Continued Professional Development

Professional Tree Inspection (PTI), July 2009 – Lantra Award

Membership of industry bodies

Professional Member of the Arboricultural Association (since 2009) M.Arbor.A
Professional Member of Consulting Arborist Society, CAS (Since 2014)
Associate Member of the Institute of Chartered Foresters (Since 2015)

Courses undertaken within the last 12 months

BS5837 – Trees in relation to Construction 2012 (refresher course) 2015
Mortgage report writing (refresher course) 2015



Bromsgrove
District Council

www.bromsgrove.gov.uk

Town and Country Planning Act 1990
Tree preservation Order Regulations

Tree Works Approval

District of Bromsgrove

Application No: TPO15/042

Applicant

Agent

Mr Reuben Hayes
10 Salisbury Close
Birmingham
B13 8JX
United Kingdom

Mr Reuben Hayes
10 Salisbury Close
Birmingham
b13 8jx
United Kingdom

Particulars of Application

APPLICATION REFERENCE:	TPO15/042
LOCATION:	Land To The Side Of 15 , Cherry Hill Road, Barnt Green, B45 8LJ
PROPOSAL:	To carry out works in accordance with the submitted management plan To create an entrance and parking area To create pathways To create openings To abate a nuisance to neighbours To thin out the area due to lack of previous work
DECISION DATE:	30 th June 2015

Particulars of Decision

Bromsgrove District Council, as the Local Planning Authority, grants permission for the following works:

Pune back the canopy on the Oak tree on boundary of woods standing in line with the garage block of 15 Cherry Hill Road as required to give 4 metres clearance to building as described in item 10.3 of the management operations.

Lift the canopies of trees on the boundary of the woodland with Cherry Hill Road as required to give 5.2 metres clearance to the carriageway as per item 10.3 of the management operations.

Create informal path network within woodland in line with item 10.6 of the Apex Environmental Ltd Management Plan Reference number 15-107-AEL and

as shown on the attached plan as supplied with the application. To be achieved by clearing understorey shrubbery and trees with a stem diameter of no greater than 15cm at breast height as required (1.2m).

Create two clearings of no greater than 15 square metres in area within woodland in line with item 10.6 of the Apex Environmental Ltd Management Plan Reference number 15-107-AEL and as shown on the attached plan as supplied with the application. To be achieved by clearing understorey shrubbery and trees with a stem diameter of no greater than 15cm at breast height as required (1.2m).

The request to manage the site as highlighted in item 10.7 of the management operations apart from the appropriate management of any dead or diseased tree found, to install an entrance point to the site off Cherry Hill Road and thin out the land within 2 years by 50% is **refused** due the lack of detailed information provided on the intended thinning operations and potentially unacceptable level of impact on the site and possible planning consent requirement for the site access.

This permission is subject to conditions, which must be complied with and are set out below:

- 1) The works the subject of this consent must be completed not later than two years from the date of the grant of this consent (T.1).

Reason: To define the consent and allow for satisfactory monitoring of the work.

- 2) That all work is carried out in accordance with recognised good practice by reference to British Standard 3998 (2010) to the satisfaction of the Local Planning Authority (T.2)

Reason: To regulate the standard of the authorised work.

- 3) The Local Planning Authority shall be given at least 14 days notice of the applicant's intention to commence the approved works and the identity and qualifications of the contractor (T.7).

Reason: To ensure that the works are carried out to an acceptable standard and can be monitored.



Ruth Bamford
Head of Planning and Regeneration

Application No. TPO15/042

NOTE

Please note that this consent only applies in regard to any Planning constraints upon the tree(s) or the land in which they are growing. Permission from a landowner to enter their property and carry out any proposed works must still be obtained. Consent in respect of other constraints such as restrictive covenants within the title deeds of the property may also be required.

The applicant is advised to be aware of their obligations under the Wildlife & Countryside Act 1981 (as amended by the Countryside & Rights of Way Act 2000) to avoid disturbance of nesting wild birds and protected species such as bats when carrying out these works.

Tree Preservation Order

Your Right of Appeal

An appeal can be made to the Secretary of State for the Environment following an application to obtain consent to undertake work to a protected tree. An appeal can be made against any of the following:-

1. The Council's decision to refuse consent
2. The Council's decision to grant consent subject to conditions
3. The failure of the Borough Council to give notice of their decision within 2 months of the date it received the application.

If you wish to appeal you must do so within 28 days of receipt of this notice. The secretary of state has discretion to allow a longer period but will not normally do so unless there are special circumstances to excuse the delay in giving notice of the appeal.

An application form to appeal can be downloaded from the following website: <http://www.planningportal.gov.uk/planning/appeals/otherappealscasework/treepreservation>. The usual type of appeal is through the written representation procedure, although you can require the appeal to be dealt with at a hearing or public local inquiry if you wish.

The appeal should be made to the following address:

The Environment Appeals Team
Trees and Hedges
Room 3/25 Hawk Wing
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

or e-mail it to: environment.appeals@pins.gsi.gov.uk

Telephone: 0303 444 5584

TREE PRESERVATION ORDER APPLICATIONS CHECKLIST

APPLICATION NO: TPO15/042

ADDRESS/LOCATION OF TREE: Woodland to side of 15 Cherry Hill Road, Barnt Green.

WORK REQUEST: manage tree and under storey shrubbery as required to create an entrance / parking area, pathway within wood and opening / clearings to improve bio diversity of woodland. To abate nuisance to neighbours and thin out woodland due to lack of past maintenance in line with management plan submitted with the application.

OLD TREE PRESERVATION ORDER: NO

NEW TREE PRESERVATION ORDER: YES

TREE ON PRIVATE LAND: YES

TREE ON COUNCIL LAND: NO

TREE ON COUNCIL LAND - PRIVATE APPLICANT: NO

TREE IN CONSERVATION AREA: YES

DATE OF VISIT: 9th June 2015

VISIT BY: Gavin Boyes

ARBORICULTURE OFFICER COMMENTS:

This is a small block of ancient woodland which was previously attached to 15 Cherry Hill Road and links to Lickey Hill Woods and Park beyond. It has clearly been unmaintained for some time and is difficult to access mainly due to the establishment of invasive none native species Laurel. There are also a number of fallen and hung up trees that ideally need to be made safe. The large trees forming the upper canopy are generally in very good condition and growth native stock at an appropriate spacing for their size. The quality and bio diversity of the site has declined largely due to the volume and density of Laurel development. The intension to open up selected pathway routes and glades to the scale highlighted within the application and management plan is positive proactive management and will help improve the current condition of the wood and should be encouraged and agreed.

However the proposal to install an access and parking area may need planning consent. I also feel that the position shown for the intended access is inappropriate as it would impact on the root plates of a number of high quality Oak trees within the site and conflicts with an existing drive access point to properties opposite. Therefore this part of the application is to be refused.

RECOMMENDED WORK:


Consent is granted to carryout item 10.6 only of the Apex Environmental Ltd Management Plan reference number 15-107-AEL submitted with the application and as outlined below and on attached page 10 of plan documentation.

Create informal path network within woodland in line with item 10.6 of the Apex Environmental Ltd Management Plan Reference number 15-107-AEL and as shown on the attached plan as supplied with the application. To be achieved by clearing understorey shrubbery and trees with a stem diameter of no greater than 15cm at breast height as required.

Create two clearings of no greater than 15 square metres in area within woodland in line with item 10.6 of the Apex Environmental Ltd Management Plan Reference number 15-107-AEL and as shown on the attached plan as supplied with the application. To be achieved by clearing understorey shrubbery and trees with a stem diameter of no greater than 15cm at breast height as required.

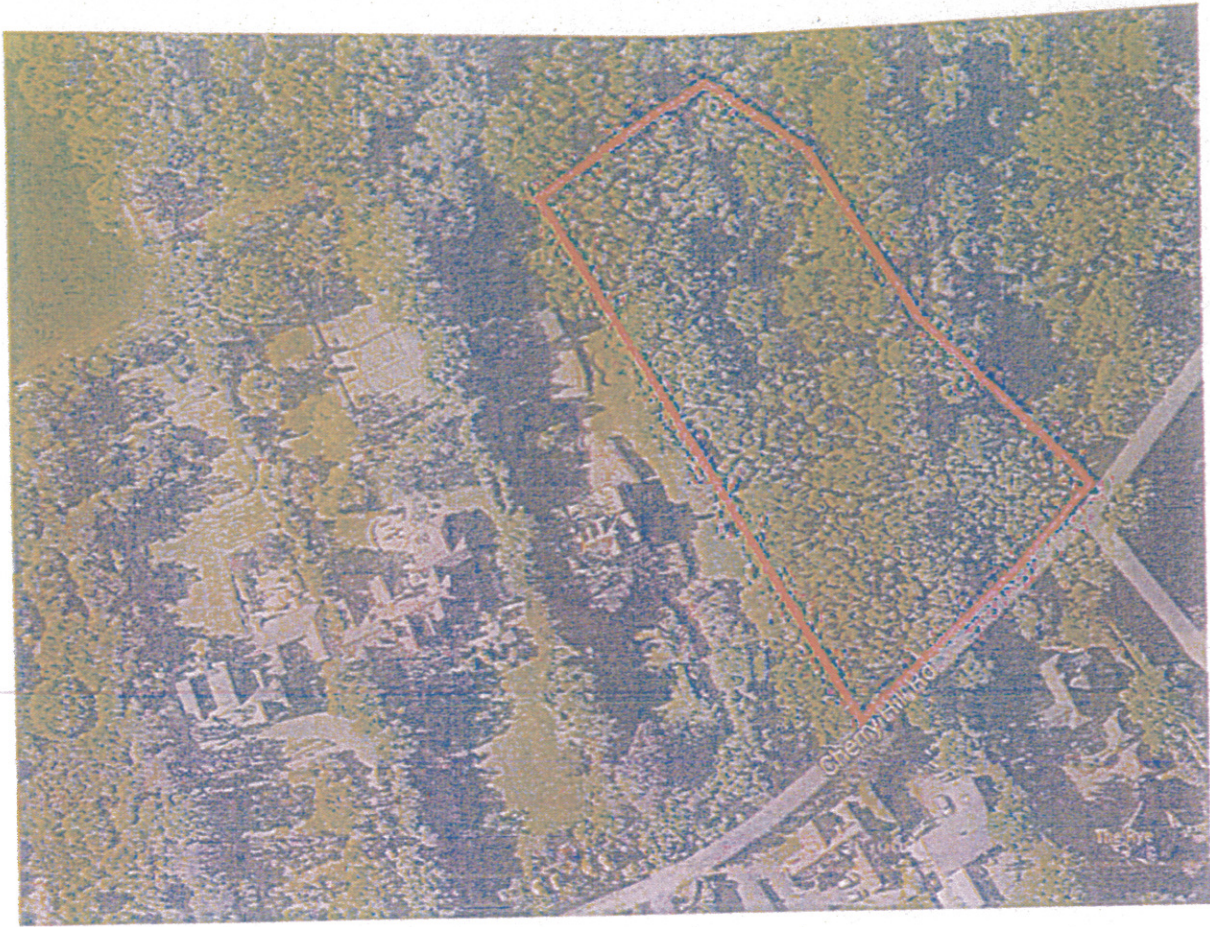
The request to manage the site as required to install an entrance point to the site off Cherry Hill Road is refused due the unacceptable level of impact on the site and as it may require planning consent.

DATE: 23rd June 2015

SIGNATURE: 

SIGNATURE: 

Appendices 5



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APPENDICES 6

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

Town and Country Planning Act 1990

Tree Preservation Order (10) 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 (10) 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 16th October 2015.

Signed on behalf of Bromsgrove District Council



Authorised by the Council to sign in that behalf

First Schedule

Trees specified individually
(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Silver Birch	400105-273878	Rear garden 15 Cherry Hill Road
T2	Oak	400101-273887	Rear garden 15 Cherry Hill Road
T3	Silver Birch	400073-273875	Rear garden 15 Cherry Hill Road
T4	Oak	400077-273871	Rear garden 15 Cherry Hill Road
T5	Oak	400084-273871	Rear garden 15 Cherry Hill Road
T6	Silver Birch	400083-273868	Rear garden 15 Cherry Hill Road

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>
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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>
G1	1 x Ash 7 x Holly	400079-273884	Rear garden 15 Cherry Hill Road

Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
W1	Broadleaf Woodland	400151-273849	Adjoining 15 Cherry Hill Road, Barnt Green B45 8LN

Title: _____ Date: _____ Drawn: _____ Checked: _____		Project: Bromsgrove Tree Preservation Order (TPO) 2015	Drawing: Woodland Adjoining 15 Cherry Hill Road, Bant Green	Drawn: AAA Scale: 1/700 Surveyed: AAA Date: 28-03-2015 Drawing No: P000000	Landscapes and Grounds Maintenance Town Hall 15 Cherry Hill Road Redditch Worcestershire B95 8AH	 Bromsgrove District Council www.bromsgrove.gov.uk	© Crown Copyright and database rights 2013 Ordnance Survey 10004332
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Steve Deagan