

BROMSGROVE DISTRICT COUNCIL

**PLANNING
COMMITTEE**

4th September 2017

**TREE PRESERVATION ORDER (NO.2)2017 – Trees on land Foxlydiate ADR
land adjoining Curr Lane, Pumphouse Lane and Gypsy Lane.**

Relevant Portfolio Holder	Peter Whittaker
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Bentley and Pauncefoot
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

The Committee is asked to consider the confirmation with modification of Tree Preservation Order (No.2) 2017 relating to trees on land at Foxlydiate (ADR designated land) land adjoining Curr Lane, Pumphouse Lane and Gypsy Lane.

2. RECOMMENDATIONS

It is recommended that Provisional Tree Preservation Order (No.2) 2017 relating to trees on land at Foxlydiate (ADR designated Land) adjoining Curr Lane, Pumphouse Lane and Gypsy Lane be confirmed with modification from the Provisional Order as raised and shown in Appendix (1) to that as shown on the plan and described in the schedule of trees in Appendix (2).

3. KEY ISSUES

Financial Implications

3.1 There are no financial implications relating to the confirmation of the TPO.

Legal Implications

3.2 Town and Country Planning (Trees) Regulations 2012 covers this procedure.

Service / Operational Implications

Background

3.3 The site has been designated as ADR land within the Bromsgrove 2011- 2030 Local Plan which was adopted in January 2017 and is therefore at imminent threat of potential large scale development. Interest has been shown in the

site by Heyford Development Ltd and UK Land and Development Ltd who together have made an Outline Application on the site under Planning Reference Number 2016/0263. The site contains a varied mix of native species and age class trees that form valuable woodland, groups, field line boundary, and stand prominently in individual situations. All the trees contained within the Order on the site offer a high degree of visual amenity value and add greatly to the character and habitat value of the site and area. The potential development of the site will undoubtedly bring an increased pressure for management of the trees, both in the short and longer term, and may present a risk of trees being lost.

The following objection has been received in respect of the Provisional TPO Order having been raised:

Letter from Moray Simpson of Wardell Armstrong on behalf of Heyford Development Ltd and UK land and Development Ltd (Appendix 3)

My comments in relation to the points raised within the letter are as follows:

- a. The site is subject to a “Hybrid Planning Application (Ref 16/0263)” which is at the outline application stage. The current Bromsgrove Local Planning Plan, within which the land has been designated as ADR land, was adopted in January 2017. However from the first major meeting regarding this site it was always made clear by myself that the site would be subject to a tree preservation order once it had been fully surveyed and assessed. There is currently no granted planning consent on the site.
- b. I generally disagree with the comment that trees not worthy of protection have been protected, although having carried out a further review of the quality of the trees within the Order, a small number of trees (T3, T64 and T68), have subsequently been removed as it was clear they were in decline and had only a short expected future life span. I totally disagree with the comment made that 26 trees are worthy of only a (C) grading with a BS5837:2012 assessment (see appendix 4) and, therefore, potentially would not be worthy of retention in a planning situation. I feel that there are no (U) grade trees within the Order (see Appendix 4).
- c. The scale of 1:6000 @ A3 is accurate on the plan produced with the Order and although this scale does not appear on a standard scale rule, it can still be used to calculate and measure the position of trees. The size and scale of the plan was checked and approved by our Legal Department. However, to assist in regard to this issue further, a scale bar has been included in the revised / modified plan
- d. On checking the position of T76 it was found to be wrongly positioned on the provisional plan. This has now been corrected on the modified plan.

However, although it did need to be positioned more accurately it was a single tree in an open field. There was, therefore, no risk of T76 being mistaken as any other tree within the Provisional Order stage of this TPO.

- e. My view is that the boundary shown for Group 15 on the Provisional Order did include the most Westerly Oak tree. However, this group of trees has now been defined as individual trees thereby clarifying further on the protected status of the most Westerly positioned Oak
- f. I feel that the size of the text used within the plan of the Order for both the road names and numbering of the trees is appropriately legible. This issue was checked with our Legal team before producing the Order who confirmed the plan at these settings was appropriately clear and legible.
- g. I feel that the boundaries of the groups and woodland block are appropriately shown and provide clarity on what it protected.
- h. The Provisional Order (Appendix 1) did not contain the numbers of trees contained within each group but did give a size specification of 100mm stem diameter at ground level and was included within the schedule of the order. The number of trees and species has now been surveyed and is included within the Modified Order and the size specification will also remain within the new schedule.
- i. Having further reviewed the trees, a small number of trees that would have influenced the access routes have been removed from the Modified Order - T3, T44 and T69 - as they were found to be either in decline or of generally poorer quality and of low prominence and visual amenity value. If the proposed road layout, as shown within Outline application 2016/0263, was to be passed, I would expect to lose a section of the trees to the centre of the provisional order group - (G12) (G12 and G15 - within the Modified Order. If the level of tree loss within these groups is kept to the minimum level envisage as being required to achieve the layout of the outline application I would find the level of tree loss acceptable. The effect of other trees within the site on any full application would be a planning matter and would be evaluated at the time the application was made. A granted planning consent would override TPO protection of trees but it does give the Council an increased level of control over tree related issues and allows stronger ground to ensure that trees to be retained within developments are fully protected during any development works.

3.4 Conclusion

The trees covered by this Order are all highly prominent trees of very good quality. They offer a high degree of visual amenity value to the site and area while adding greatly to the character of site and area in general. I therefore

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recommend to the Committee that the Order is confirmed with the modifications as shown in Appendix (2) of this report.

Policy Implications

- 3.5 None - Council Objective 4- Environment, Priority C04 Planning

Climate Change / Carbon/ Biodiversity

- 3.6 The Proposal in relation to confirming the TPO can only be seen as a positive impact on the environment.

Customer / Equalities and Diversity Implications

- 3.7 The customers have been provided with the relevant notification and the responses received are attached in the appendices. The customers will receive notification by post of the decision of the committee.
- 3.8 Equalities and Diversity implications- None

4. RISK MANAGEMENT

There are no significant risks associated with the details included in this report.

5. APPENDICES

Appendices 1. Copy of the provisional TPO order

Appendices 2. Copy of the Plan and schedule for the proposed Modified Order

Appendices 3. Copy of the letter of objection from Wardell Armstrong

Appendices 4. Copy of BS5837:2012 tree assessment criteria.

Appendices 5. Photographs of a number of the trees within the order.

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

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