

**PLANNING
COMMITTEE**

4th September 2017

TREE PRESERVATION ORDER (NO.3) 2017 – Tree on land at Lyttelton Place, Hagley.

Relevant Portfolio Holder	Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning Services and Housing
Ward(s) Affected	Hagley East
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider whether it is Expedient in the interest of Amenity to confirm without modification Tree Preservation Order (No.3) 2017 relating to a single Lime tree on land at Lyttelton Place, Hagley.

2. RECOMMENDATION

It is recommended that Tree Preservation Order (No.3) 2017 relating to a tree on land at Lyttelton Place, Hagley is confirmed without modification.

3. KEY ISSUES

Financial Implications

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

Legal Implications

- 3.2 The Town and Country Planning (Tree Preservation) (England) Regulations 2012 cover this procedure.

Service / Operational Implications

3.3 Background

The TPO was provisionally made on the 13th March 2017 (Appendix A) to protect the tree from being felled. Calls had been received from residents of Lyttelton Place who had received a letter from Bromsgrove District Housing Trust - the owner of the land where the tree is situated – informing them that the tree was to be felled on the following day. The reasons given for the felling were that the tree was causing damage to the tarmac surface and the felling was necessary to enable resurfacing works to take place. The quality of the tree was already known to BDC Tree Officers and, given the imminent threat

to the tree, it was considered Expedient to make a TPO as a matter of urgency.

- 3.4 The Tree is a mature Common Lime which is located in the centre of the crossroads of the private access road serving Lyttelton Place. It is understood to have been planted as a feature tree in this location when the development was originally built in 1919 and has survived since this time.
- 3.5 In more recent history, this tree has been well known to the Tree Section, as the land and tree were in Council ownership until transfer of the land to Bromsgrove District Housing Trust (BDHT) in 2004 and has been viewed by BDC Tree Officers on at least three occasions since then - either as part of routine inspections done for BDHT and discussions or advice over resurfacing of the roadway. During those inspections, the tree has been consistently found to be in good health requiring little or no work and no damage appeared to have been caused to the road surface..
- 3.6 The state of the roadway has been in question throughout this time but does not appear to be the result of damage by the tree. The condition is most consistent with the natural wear of the tarmac over time, destabilisation of the hardcore base which increased surface damage and only minimal repair patching. Shortly prior to the transfer to BDHT, discussions were held between Council officers from Trees & Housing and, at that time, it was proposed to carry out resurfacing around the tree with a 'geoblock' porous cell system as used around a number of Council owned trees elsewhere to provide a sound long lasting road surface while still allowing air, water & nutrients to reach the root system to help keep the tree healthy. The housing transfer prevented this work being carried out by BDC though it was again recommended at subsequent similar meetings between BDC Tree Officers and BDHT housing staff in 2006 and 2010.
- 3.7 Despite the suggestions of the letter received by residents, the condition of the roadway does not appear to be the result of damage by the tree or its roots. It appears that, originally, a 'collar' of cobbles was laid in a circle around the tree and some of these have been displaced by the growth of the trunk but no other damage attributable to the tree is evident. All other damage to the road surface appears to be the consequence of the other factors as described above.

Representations

- 3.8 One formal letter of objection to the TPO and one email supporting the TPO have been received from residents in Lyttelton Place. Two verbal communications of support were also received from residents of properties immediately adjacent to the tree but who wished to remain anonymous. The points raised in these representations are discussed below:

Objection (Appendix B)

The tree has no special amenity value

- The TEMPO assessment of the trees amenity value gives the tree a score of 21 out of a possible 25 points. The breakdown of these is detailed below.

A hazard, maintenance issues, telephone cables & fallen branches

- No evidence has been provided that the tree is in a hazardous condition. The tree is in good physiological condition and no structural defects were observed.
- Access to the tree is good, thus facilitating maintenance should it be required.
- No specific details of the fallen branches have been provided. Some natural loss of limbs upto 50mm diameter would be expected as a result of natural shading or storm damage but this would be small or infrequent with little ability to cause damage or injury. More major defects can typically be identified by routine inspection and dealt with as required and it is understood that BDHT do already have such routine inspections carried out though there is no evidence of any work being required or carried out in recent years.
- Given the size and age of the tree, the telephone cables appear to have been deliberately run through the tree canopy in full knowledge and acceptance of the risk of damage. Any repair or relocation of cables will therefore be the responsibility of the telephone company. All the cable run off a single telephone pole which appears to be due for replacement. Relocation of this pole and/or the addition of a 2nd pole would enable all telephone cables to be located away from the tree.

Damage to road surface – as discussed above, this does not appear to be the result of tree root action nor does retaining the tree prevent repair of the road surface.

Road narrowing and obstruction to traffic. – away from the ‘crossroads’ where the tree is located, Lyttelton Place is already a ‘T’ shaped narrow single width unclassified road unsuitable to large or long vehicles. The tree undoubtedly forms an obstacle to movement of such vehicles but the narrowness of the roadway is also exacerbated by encroachment of neighbouring hedges by upto 1m into the roadway and the lack of turning heads at the ends of the ‘T’. During site visits, two residents commented that they welcomed the retention of the tree as it helped protect them by discouraging or slowing large or fast traffic driving past their properties. Even disregarding the tree, the crossroads is a tight turn with poor visibility because of the overgrown hedgerows. It is considered that removal of the tree will not significantly improve this situation.

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3.9 Email in support (Appendix C)

- significant feature & focal point of the close
- home to wildlife
- large feature tree providing visual & aural benefit
- loss would impact negatively on landscape and wellbeing of local residents
- tree is not causing damage or is in a dangerous condition.

Amenity Assessment

3.10 The TEMPO Assessment (Appendix D) gives the tree a conservative score of 21 out of a possible 25 points broken down as follows:

Amenity

- Condition - 3 / 5 – Fair – The tree is in good physiological condition and no structural defects could be observed.
- Longevity – 4 / 5 - 40 – 100 years remaining life expectancy
- Visibility – 4 / 5 – Medium size tree clearly visible locally.
- Other factors – 5 / 5 – Tree of good form and a principal historic focal feature of Lyttelton Place.

Expediency

5 / 5 – Known threat to tree – without the TPO, the owner intends to fell the tree or may carry out works to roadway in a manner which causes damage to the root system.

The provisional TPO expires on 13th September 2017.

Notification of the Order was given to all persons in the surrounding area and to all those who could be affected by the making of the TPO.

1 Objections has been received in respect of the TPO

1 formal & 2 verbal representations were received in support of the TPO.

Policy Implications

3.11 Policy Implications - None

Council Objective 4 - Environment, Priority C04 Planning

3.12 Climate Change / Carbon/ Biodiversity- The Proposal in relation to confirming the TPO can only be seen as a positive impact on the environment.

Customer / Equalities and Diversity Implications

3.13 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.

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3.14 Equalities and Diversity implications- None

4. RISK MANAGEMENT

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

5. APPENDICES

Appendix A – Copy of TPO
Appendix B – Objection letter
Appendix C – Email in support
Appendix D – TEMPO Amenity Assessment

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

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