

PLANNING COMMITTEE

2nd March 2020

TREE PRESERVATION ORDER (NO.7) 2019, Trees on Land at Rushleigh Road, Majors Green B90 1DH.

Relevant Portfolio Holder	Cllr Sherrey
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Stoke Prior
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation without modification of Tree Preservation Order (No.7) 2019 relating to trees on Rushleigh Road, Majors Green B90 1DH.

2. RECOMMENDATIONS

- 2.1 It is recommended that provisional Tree Preservation Order (No.7) 2019 relating to trees at Rushleigh Road, Majors Green B90 1DH Is confirmed without modification from the provisional order as raised and shown on the plan and scheduled in appendix (1).

3. KEY ISSUES

Financial Implications

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

Legal Implications

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

Service / Operational Implications

Back Ground;

- 3.4 The order was raised in its provisional form on the 5th November 2019 due to an enquiry made by a tree surgeon requesting to know the status of tree T2 of the order an Oak tree in terms of any formal protection in view of potentially being able to remove this tree(see email appendix 2). On site investigation revealed that there are two other very good quality similar age and size Oak trees in close proximity to the enquiry tree therefore it was felt prudent while protecting the enquiry tree to include the other two prominent Oak trees within the same order.

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3.5 The Following two objection has been received in respect of the provisional TPO having been raised.

1. Email received from the owner of 34 Rushleigh Road which contains T2 Oak of the order as shown in appendix (3)

My comments in relation to this objection are as follows:

- I feel that any reduction in the size of the crown on T2 Oak is not justifiable as the tree is of an acceptable size for its location. Also crown reduction work would only be likely to reduce the level of screening value the tree provides between properties in Rushleigh and Fords Roads.
- There is space available to the rear of the tree to allow a suitable degree of access and space to allow the installation of a new fence line.
- The level of canopy overhang to 34 Rushleigh Road and all adjoining properties influenced by the tree is in my opinion acceptable.
- The Ivy growth upon the tree can be easily managed or removed without any pruning or detrimental effect to the tree.
- The overall size of the tree and canopy spread is acceptable for its growing position and distance from all the local properties. Its size and position does not have a major detrimental influence on the natural light levels to any of the local properties.
- The canopy of the tree does not directly overhang the gutter line of 34 Rushleigh Road. Leaf fall nuisance can be reduced to a degree by carrying out crown management on a tree. But leaf fall would be very difficult to reduce to any beneficial level by pruning T2 Oak due to the volume of other tree stock in the area. Leaves will travel a considerable distance on the wind and therefore leaf fall in the local gardens and on properties would be impossible to avoid. There are also measures that can be taken to prevent leaf fall gathering in guttering such as installing guttering brushes.
- On visual inspection I found the tree to have a well-balanced and shaped crown containing no overextended or over weight boughs or branches. I did not note any structural defects although the crown did contain an expected amount of growth habit deadwood which could easily be cleaned from throughout the crown. I could see no visual evidence of raised root structure within the garden.

3.5 Policy Implications- None
HR Implications- None
Council Objective 4- Environment, Priority C04 Planning

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

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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

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

5. APPENDICES

List Appendices.

Appendix (1) Plan & Schedule of Provisional Order

Appendix (2) Email enquiry from Tree Surgery Contractor regarding the status of tree.

Appendix (3) Letter of objection from the owner of 34 Rushleigh Road.

Appendix (4) Photographs showing the trees.

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

- 7.1 Conclusion and recommendations:

The trees covered by this order are all highly prominent and of very good quality. They offer a high degree of visual amenity value to the area being visible to properties and visitors in both Rushleigh and Fords Roads and add greatly to the landscape character of the area.

Therefore I would recommend to the committee that the order is confirmed and made permanent without modification as shown in appendix (1) of this report.

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