

BROMSGROVE DISTRICT COUNCIL

**PLANNING
COMMITTEE**

1st February 2021

**Tree Preservation Order (13) 2020 – Tree/s on land at Romsley Manor Farm,
Bromsgrove Road, Romsley, B62 0ET**

Relevant Portfolio Holder	Cllr M. A. Sherrey
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Belbroughton And Romsley Ward
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 (13) 2020 relating to Tree/s on land at Romsley Manor Farm, Bromsgrove Road, Romsley, B62 0ET

2. RECOMMENDATIONS

- 2.1 It is recommended that provisional Tree Preservation Order (13) 2020 relating to trees on land at Romsley Manor Farm, Bromsgrove Road, Romsley, B62 0ET is confirmed without modification as in the provisional order as raised and shown 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

Background:

- 3.4 The provisional order was raised on 4th August 2020 after an enquiry was received regarding a planning condition that required the protection and retention of a mature Yew tree at Romsley Manor Farm, Romsley. The enquirer was interested in whether the planning condition that protected the Yew tree could be removed as well as the tree itself. It was therefore deemed

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prudent to raise an order on the Yew tree due to the potential risk of mismanagement or loss of the tree.

3.5 The following one objection has been received in respect of the provisional TPO having been raised;

1. A letter received from Ms M.K. Uppal dated 26th August 2020 (Appendix 2)

My comments in relation to the points raise within the objection are as follows:

a. An ecological report (Appendix 3) undertaken during the planning process briefly mentions the tree:

“The only notable vegetation on the site is an old Yew Tree in the North West corner of the site. Every effort should be made to retain this tree although there are some concerns that it is situated on a sandy bank undermined by a few rabbits and it could become unstable and create a hazard if it fell.”

The Yew tree in question is situated within a section of ground that is at a higher elevation than that of the new replacement dwelling, however having visited and inspected the tree I do not believe the tree is at risk of failure. The burrowing mentioned is indeed present although it is nowhere near to the extent that the tree has become unstable.

b. During the planning process the protection and retention of the Yew was agreed and within the subsequent decision condition 14 which states:

“14) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the Yew tree to the north of the proposed development shall be protected with fencing around the Root Protection Areas. This fencing shall be constructed as and positioned in accordance with British Standard BS5837:2012 and shall be maintained as erected until all development has been completed.

Reason: In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site and adjacent properties in accordance with policies BDP1, BDP19, BDP22, BDP21 & BDP22 of the Bromsgrove District Plan 2011 - 2030 & S11 of the National Planning Policy Framework.”

It then follows that the feasibility of the developments structural warranty would have had to have been considered around the retention of the Yew tree. As the condition already provided an amount of protection to the tree.

- c. Romsley Manor Farm and indeed the Yew tree are both situated on top of Romsley Hill, which inherently receives strong winds by virtue of its prominence and exposed position within the landscape. There is an exemption within the TPO legislation that allows the owner of a protected tree to carryout work required to make the tree safe in situations where a tree suffers storm damage and which then creates an immediate risk to persons or property.
- d. The National Planning Policy Framework states in relation to amenity value:

“‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.

Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”

A TEMPO evaluation was carried out to help inform on the decision to raise the TPO where the tree scored 17. Under the TEMPO evaluation method a score of 16+ definitely merits a TPO. The completed TEMPO evaluation sheet can be seen as Appendix (4). In addition to this, as shown above, the amenity value of the tree had already been established during the planning process, again, with condition 14 reason reading:

“In order to protect the trees, hedges & landscape features which form an important part of the amenity of the site..”

Additionally the tree can indeed be clearly seen from by the public standing on the B4551 or the Green situated directly opposite Romsley Manor Farm. Photos of which are included withing Appendix (5)

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Council Objective 4- Environment, Priority C04 Planning

- 3.7 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

- 3.8 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.
- 3.9 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) Letter of objection from Ms M.K. Uppal dated 26th August 2020
Appendix (3) Ecological Report Undertaken by Chelmarsh RG, Dave Fulton on 1st December 2017
Appendix (4) Completed TEMPO Evaluation Sheet
Appendix (5) Photographs of tree subject to the order

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order
TEMPO – Tree Evaluation Method for Preservation Orders

- 7.1 Conclusion and recommendations:

The tree in question is very prominent feature and provides a high level of amenity value to members of the public using either the B4551 or the Green opposite

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Romsley Manor Farm. In addition, the tree included within the order adds greatly to the character of the area.

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

AUTHOR OF REPORT

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