

**PLANNING
COMMITTEE**

7th March 2022

**Tree Preservation Order (14) 2021 Trees On Land at 9 Fairlight Drive, Barnt
Green B45 8TB**

Relevant Portfolio Holder	Cllr A. Sherry
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Lickey Hills
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 (14) 2021 relating to Tree/s on Land at 9 Fairlight Drive B45 8TB

2. RECOMMENDATIONS

- 1.2 It is recommended that provisional Tree Preservation Order (14) 2021 relating to trees on land at 9 Fairlight Drive B45 8TB be 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 the 8th September 2021 following an enquiry received from the owner of the property indicating that he was considering removing the trees now included within the order. In view of the enquiry a site meeting was held with the owner of the property on 23rd August 2021 to inspect the trees and consider their potential removal. At this meeting

the owner outline that ideally, he would like to remove all three trees within the provisional order as he considered that they represented a too high a level of safety risk to persons using the garden area of the property in view of past instances of branch failure and other general debris fall from the trees. He also explained that if it was not acceptable to remove all of the trees would it be acceptable to remove one of them. Having considered both options and the issues highlighted and the condition of the trees my opinion was that the trees are worthy of retention and therefore protection for the following reasons.

- They are of a mature age class but still have a lengthy future expected life span and are consistent in both species and size to trees within other plots within the Fairlight Drive estate.
- They are a prominent feature with the landscaping of Fairlight Drive being clearly visible to from the front of the property and partially visible from the publicly accessible woodland to the rear of the property.
- Fairlight Drive is a reasonably recent development, and the trees would have been a constraint when the site was developed but were clearly thought to have been too important a feature to remove at the time of development.
- They are showing no visual signs of any physiological problems or structural defects
- The crowns contain an expected amount of growth habit deadwood but this could easily be pruned out and one tree contains a slightly overextended later branch that could be reduced in length. If this work was carried out the likely risk of any major material falling from the trees would be very low.

Therefore, for the reasons above the trees were considered worthy of protection.

3.5 One objection has been received in respect of the provisional TPO having been raised as follows:

Letter dated 30th September 2012 from Mr Peter Bridge the owner of 9 Fairlight Drive as shown in appendix (2).

My comments in relation to the points raised in this objection are as follows:

- The Council has not followed a fair process in determining that these trees should be protected.

TEMPO was used to help evaluate the tree which is a guidance template tool we regularly use designed to give an informed decision making process when raising TPO protection on trees as shown in appendix (4). There is no statutory requirement to use this process when making a decision to raise a TPO order. As a regular user of TEMPO you become familiar with the categories and scoring matrix of the process and can therefore evaluate trees visually on the spot especially when there are only three similar condition trees as in this case. Then fill in the form in the car immediately following the site inspection. The standard procedure for the raising of the order was followed throughout.

- Amenity

The trees are clearly visible from the front of the house approximately a third of the height of the trees and most of the crowns being visible above the apex of the roof line of the property, as can be seen in the photographs in appendix 3. The definition of the canopies of the protected trees are not lost against the woodland behind them but stand clearly visible against the skyline when viewing the trees from the front of the property. I accept that the estate of Fairlight Drive is gated which restricts walk in public access but there are fourteen properties with the estate some of which benefit from being able to see at least part of the trees. There is also going to be a large volume of visitors to a site containing fourteen properties friends and family and service providers many of which would benefit from the amenity value these trees provide. The trees are also partially visible from the publicly accessible woodland to the rear of the property which again is shown in the photographs in appendix (3).

- Safety

As all ready highlighted the crowns on the trees do contain some growth habit deadwood and one contains a slightly over extended lateral branch. But these issues can be easily address buy some routine pruning that would have not detrimentally influence on the trees and would reduce to risk of any material falling from the trees to a very low level.

- Potential damage to property.

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No one can 100% guarantee the safety of any tree as they are dynamic structures open to all environmental issues in nature and weather conditions. When assessing the risk of any tree it is the probability of anything occurring in terms of structural failures the main considerations are, the trees general condition, future likely development, its position and constraints on the tree likely to influence its future development and health. These trees are in good health and form while having a lengthy expected future life span and some minor management pruning would address the safety issues raised.

- 3.6 Policy Implications- None
HR Implications- None
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) Schedule and Plan of Provisional Order as raised
Appendix (2) Letter of objection from Mr Peter Bridge owner of 9 Fairlight Drive
Appendix (3) Photographs of the protected trees.
Appendix (4) TEMPO assessment of trees

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6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

TEMPO – Tree Evaluation Method for Preservation Orders

7.1 Conclusion and recommendations:

The trees within the order are visible from the front of the property and publicly accessible woodland to the rear of the property, they are in good physiological condition and add greatly to the character of the area.

Therefore, I recommend to the committee that Tree Preservation Order (14) 2021 is confirmed and made permanent with modification as shown in appendix (1) of this report.

AUTHOR OF REPORT

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