

**PLANNING  
COMMITTEE**

**10<sup>th</sup> December 2024**

**Application Reference TPO24/170 Requesting Consent To Work On A TPO  
Protected Tree**

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

**1. SUMMARY OF PROPOSALS**

- 1.1 The Committee is asked to consider application reference number TPO24/170 made under Tree Preservation Order legislation to carry out work on the protected Beech tree within the grounds of 256 Stourbridge Road, Catshill, Bromsgrove. The application made requests consent to fell the tree as shown in appendices 1.

**2. RECOMMENDATIONS**

- 1.2 It is recommended that the application requesting consent to fell the tree is refused for the reasons given in this report.

**3. KEY ISSUES**

**Financial Implications**

- 3.1 Refusal of an application to carry out work on a tree preservation order protected tree has potential to leave the council liable for cost incurred for any later damage to caused to property that could be proven to have occurred as a result of the work applied for not having been carried out such as in subsidence related issues.

**Legal Implications**

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

**Service / Operational Implications**

**Background:**

- 3.4 The Beech tree in question was TPO protected in 1987 due to concerns over potential development on the grounds attached to then property and land

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attached to 256 Stourbridge Road. The site was later developed by the construction of two properties on the land which has resulted in the close proximity of the now property 256 Stourbridge Road to the Beech tree.

### **3.4 Support:**

Five representations of support for the level of work applied for have been received as follows and shown in appendices 2.

1. A letter dated 24<sup>th</sup> September from Mrs Arch, 260 Stourbridge Road
2. Email dated 28<sup>th</sup> October 2024 from Mr Share, 254 Stourbridge Road
3. Email dated 1<sup>st</sup> November 2024 from Mr Orgill, 252 Stourbridge Road
4. Email dated 27<sup>th</sup> October 2024 from Mr & Mrs Gwyn Jones, 6 Brookside Drive.
5. Letter dated 15<sup>th</sup> October 2024 from Cllr Shirley Webb

### **3.5 Issues Raised To Justify Work Applied For:**

**Debris Fall:** Broad leaf trees typically develop a volume of minor stature growth habit deadwood within the crown over a number of years. In a health tree this would be expected to be generally low in volume and small in stature. Some deadwood would occasionally be expected to fall to ground especially in strong winds but due to its limited size would not represent an undue risk to safety of garden users.

**Leaf Fall:** This is a seasonal life cycle nuisance issue that only affects a limited period of the year and can be managed by cleansing of the affected area. Although the removal of this tree would greatly reduce the leaf fall within this garden there are other trees in locality that will continue to cause a degree of this nuisance to the property.

**Lack of Light:** There is no legal right to light in relation to progressively developing deciduous trees or shrubs. The light issues could be managed by a sympathetic level of crown management.

**Drainage:** Tree roots are opportunistic in their growth habit in seeking availability of water and will take advantage of any easily accessible water source such as a damaged drainage system. However, they do not generally cause the damage to gain access to drains. As the property in question was built post 1987, I would expect the drainage system to be modern, robust and resistant to root invasion.

**Pigeon Droppings:** This is a natural nuisance issue that could be made worse by having a tree in the garden, but it could occur from any other tree or fence line

within the garden or area that offers a perch to birds. These issues can be managed by regular cleansing of the affected areas.

**Shallow Roots:** Beech trees are known to have a generally shallower root system than other tree species but not exceptionally so. This tree is in good health showing no visual signs of disease. There is no evidence to suggest on site that the root plate of this tree has been recently compromised by any physical damage. Therefore I would deem the likelihood of a root plate failure on this tree to be low.

**Insurance:** Most insurance companies ask the question “are there any trees in close proximity to the building” as they need to understand all the risk aspects of insuring a particular property.

**Increase in Size of Tree and Root Influence:** The increase in general size of the tree as it has matured especially the expansion in girth of the main stem have caused some displacement of the paving stone patio circle nearest the tree. This is likely to have been expected due to the proximity of the paving to the tree on installation, however the paved area appeared to remain in a usable condition.

The slight displacement of the paving slabs local to the conservatory has potentially been caused by root activity from the Beech tree that would need to be further investigated to be confirmed and if so, what remedial action could be taken.

No evidence has been provided within this application of any subsidence issues being experienced within the structure of property 256 Stourbridge Road.

**Influence on Everyday Life and Mental Wellbeing:** Trees do create a level of nuisance issues; however they also provide habitat for many species, manage climate issues such as pollution and climate change. They provide visual amenity value and movement which is particularly valuable in an urban environment. As a result of the above they are proven to create a feeling of wellbeing which can balance against the negative nuisance issue.

### **3.5 Other Relevant Documentation Provided**

Valuation of property for potential sale from Oulsnam estate agents dated 24<sup>th</sup> April 2024 as shown in appendices (3) the final paragraph of which is relevant in this matter.

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- 3.6 Policy Implications- None  
HR Implications- None  
Council Objective 4- Environment, Priority C04 Planning
- 3.7 Climate Change / Carbon/ Biodiversity- The retention of this tree 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) Copy of application including relevant photographs

Appendix (2) Representations of support.

Appendix (3) Representation from Oulsnam estate agent.

**6. BACKGROUND PAPERS**

None

**7. KEY**

- 7.1 Conclusion and recommendations:

I estimate this tree to be in excess of one hundred years old and is in good health and condition. It is clearly visible from a number of publicly accessible vantage points, therefore offers a reasonable degree of visual amenity value. This is a mature tree that will offer a high degree of habitat benefit to the area hosting many species of insects and birds. It provided climate and pollution management benefits to this urban area. Some of the issues raised can be partially managed by a sympathetic level of crown management.

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Therefore, the recommendation is to refuse the application reference TPO24/170 to fell this tree

**AUTHOR OF REPORT**

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