

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

29TH MARCH 2010

BREACH OF CONDITION - REPLACEMENT TREE PLANTING AT THE OLD VICARAGE, VICARAGE CLOSE, FINSTALL

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E
Responsible Head of Service	Head of Planning and Environment Services
Non-Key Decision	

1. SUMMARY

- 1.1 Consent is sought to serve a breach of condition notice to enforce the replacement tree and hedge planting required as a condition of an earlier consent to fell trees.

2. RECOMMENDATION

- 2.1 That authority is given for the service of a breach of condition notice if the replacement planting has not been carried out by the end of March 2010.

3. BACKGROUND

- 3.1 An application to fell 22 Poplar trees on the western boundary of The Old Vicarage was considered by the Planning Committee on 2nd March 2009. A copy of the committee report is attached as Appendix 1
- 3.2 Approval to fell the Poplar trees was granted subject to the following condition: *"By the end of the first planting season following the felling of the existing trees, replacement tree and hedge planting shall be carried out to the approval of the Local Planning Authority. This replacement planting shall consist of (i) restocking of the existing hedge through the planting of 40-60cm high native shrub species at a density of no less than 6x shrubs per metre, and (ii) the planting of Scots Pine trees of a minimum initial height of 3m at no less than 4m apart".*
- 3.3 The felling of the poplar trees was carried out during the Summer 2009; therefore to comply with this condition, the replacement planting is required to have been completed by the end of March 2010. As of the date of writing this report, this replacement planting has not been carried out.

4. FINANCIAL IMPLICATIONS

4.1 None.

5. LEGAL IMPLICATIONS

5.1 Town & Country Planning Act 1990.

6. COUNCIL OBJECTIVES

6.1 Council Objective 4 - Environment.

7. RISK MANAGEMENT INCLUDING HEALTH & SAFETY CONSIDERATIONS

7.1 None.

8. CUSTOMER IMPLICATIONS

8.1 The original Poplar trees provided valuable screening and privacy for adjacent residents. The replacement planting is required to provide mitigation for the loss of these effects.

9. EQUALITIES AND DIVERSITY IMPLICATIONS

9.1 None.

10. VALUE FOR MONEY IMPLICATIONS

10.1 None.

11. CLIMATE CHANGE AND CARBON IMPLICATIONS

11.1 The planting of the replacement trees is required to combating climate change, mitigate local carbon production and improve local air quality.

12. OTHER IMPLICATIONS

Procurement Issues	None
Personnel	None
Governance / Performance Management	None
Community Safety including Section 17 of Crime and Disorder Act 1998	None
Policy	None

Biodiversity The replacement tree and hedge planting is required to mitigate the loss of wildlife habitat caused by the felling of the Poplars.
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13. OTHERS CONSULTED ON THE REPORT

Portfolio Holder	No
Joint Chief Executive	No
Executive Director - Partnerships and Projects	No
Executive Director - Services	No
Assistant Chief Executive	No
Head of Planning and Environment Services	No
Head of Financial Services	No
Head of Legal, Equalities & Democratic Services	No
Head of Organisational Development & HR	No
Corporate Procurement Team	No

14. WARDS AFFECTED

14.1 The Old Vicarage is located within the Slideslow Ward. Adjacent properties in Dragoon Fields are located within the Charford Ward.

15. APPENDICES

Appendix 1 Copy of report to Planning Committee 2nd March 2009
Appendix 2 Copy of Decision Notice dated 9th March 2009

16. BACKGROUND PAPERS

16.1 None.

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