

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

Date 14th June 2010

TREE PRESERVATION ORDER (NO. 5) 2009

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| Relevant Portfolio Holder | Councillor Mrs. J. Dyer M.B.E. |
| Relevant Head of Service | Head of Planning and Regeneration Services |

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation of Tree Preservation Order (No. 5) relating to trees on land at 324 Alcester Road, Wythall.

2. RECOMMENDATIONS

- 2.1 It is recommended that the Tree Preservation Order (No. 5) is confirmed without amendment.

Tree T2 is a 'hedgerow Oak' - characteristic of the Wythall landscape and, due to it's central location within the site, would be a constraint to development of the site and therefore be a significant material factor in any future application for planning permission. Confirmation of the Order in it's current form would still enable consent to be granted to remove the tree either as part of a planning application or separately but this would allow the enforcement of replacement planting in either situation thus ensuring the long-term tree cover of the area. It is therefore recommended that the Order is confirmed without amendment.

3. BACKGROUND

- 3.1 On the 7th July 2009 a provisional Tree Preservation Order was made in relation to 2 oak trees situated on land at 324 Alcester Road, Wythall.
- 3.2 The Order was made to protect the trees as they contribute significantly to the amenity of the area.
- 3.3 Notification of the Order was given to all persons in the surrounding area and all who could be affected by the making of the Order.
- 3.4 The Tree Preservation Order was made on a temporary basis on the 7th July 2009 and remained in force until the 7th January 2010. Due to staff shortage and illness, investigation of the issues raised around this Order has taken longer than normal and the Order has fallen outside the six month provisional period for confirmation. However, only 3 parties were identified with an interest in the land affected by the Order of which only

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one - the tree owner - has subsequently raised objection and so this Order can still be confirmed. During a meeting held on site between the Tree Officer and the site owner in May 2010, these objections were discussed and addressed. While confirmation is still recommended in respect of both trees, the lower quality of tree T2 is such that I would consider its removal at a future date to be acceptable subject to replacement planting with Oak or other long lived species. The confirmation of the Order in it's current form, however, will allow the enforcement of this requirement to maintain the long-term amenity and character of the area.

- 3.5 Two objections have been received in respect of the Order and details of which are as follows:-
- 3.6 A Building and Roofing Contractors Company have raised objection in relation to the oak tree marked T2 on the plan. The objection raised is as follows "This tree has grown at an angle and is not the best specimen due to the way it has grown. Should it ever fall towards the road it would hit the high voltage transformer and overhead cables which run alongside" (Appendix A).
- 3.7 A 2nd objection has been raised by the owners of the land who raised concerns as to the location of the tree in relation to a proposed new extension. Specifically the objection raised is as follows: "Should any of the larger branches fall away they will probably crash through our new roof" "It will be intimidating to be living under the branches of such a large tree" (Appendix B).
- 3.8 The 2 objections received have been forwarded to the Tree and Woodland Officer who has provided a report at Appendix C. In brief, the Officer responds to the 1st objection as follows stating that "The tree does have a slight lean to the west, this is a natural lean as a result of the tree growing to the light" "as the lean is the result of natural growth the tree has grown with a modified trunk and root structure to counteract the imbalance in weight".....
- 3.9 The objection received by the owner of the land has also been considered by the Tree and Woodland Officer whose comments refer to the recent planning application within which concerns as to the oak tree were raised. The Officer considers "the condition of the rest of the canopy of the tree is generally good and the tree shows overall good health and vigour."

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Additionally, the Officer refers to the tree as being in "generally in good condition" and ongoing maintenance and regular inspections will detect any problems before they occur.

4. KEY ISSUES

4.1 To protect trees which provide an amenity value.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial implications.

6. LEGAL IMPLICATIONS

6.1 Town and Country Planning (Trees) Regulation 1999, covers this procedure.

7. POLICY IMPLICATIONS

7.1 None.

8. COUNCIL OBJECTIVES

8.1 Council objective 4 - Environment, Priority C04 Planning.

9. RISK MANAGEMENT INCLUDING HEALTH AND SAFETY CONSIDERATIONS

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

10. CUSTOMER IMPLICATIONS

10.1 The customers have been provided with the relevant notification and the responses received are attached. The customers will receive notification of the decision of this committee.

11. EQUALITIES AND DIVERSITY IMPLICATIONS

11.1 None.

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12. VALUE FOR MONEY IMPLICATIONS, PROCUREMENT AND ASSET MANAGEMENT

12.1 None.

13. CLIMATE CHANGE, CARBON IMPLICATIONS AND BIODIVERSITY

13.1 The proposal in relation to confirming the Tree Preservation Order can only be seen as having a positive impact on the environment.

14. HUMAN RESOURCES IMPLICATIONS

14.1 None.

15. GOVERNANCE/PERFORMANCE MANAGEMENT IMPLICATIONS

15.1 None.

16. COMMUNITY SAFETY IMPLICATIONS INCLUDING SECTION 17 OF CRIME AND DISORDER ACT 1998

16.1 None.

17. HEALTH INEQUALITIES IMPLICATIONS

17.1 None

18. LESSONS LEARNT

18.1 None.

19. COMMUNITY AND STAKEHOLDER ENGAGEMENT

19.1 The provisional Tree Preservation Order was made in July 2009 and remained in force for 6 months, it was served upon all those affected by the Order. The documentation provides details of how and when objections and representations should be made attached are the responses received by way of objections, and detailed above are the comments made by those in support of the Tree Preservation Order.

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20. OTHERS CONSULTED ON THE REPORT

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|---|-----|
| Portfolio Holder | No |
| Chief Executive | No |
| Executive Director (S151 Officer) | No |
| Executive Director - Leisure, Cultural, Environmental and Community Services | No |
| Executive Director - Planning and Regeneration, Regulatory and Housing Services | No |
| Director of Policy, Performance and Partnerships | No |
| Head of Service | Yes |
| Head of Resources | No |
| Head of Legal, Equalities and Democratic Services | Yes |
| Corporate Procurement Team | No |

21. WARDS AFFECTED

21.1 Wythall South

22. APPENDICES

Appendix A Letter dated 19th September 2009 from a Building and Roof Contractors Company.

Appendix B Letter dated 4th August 2009 from the land owner.

Appendix C Report from the Woodland Officer - dated 21 May 2010.

23. BACKGROUND PAPERS

23.1 None

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24. **KEY**

24.1 N/A

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