

BROMSGROVE DISTRICT COUNCIL

PLANNING COMMITTEE

18TH JUNE 2007

TREE PRESERVATION ORDER (NO. 15) 2006

Responsible Portfolio Holder	Councillor Mrs. J. Dyer M.B.E.
Responsible Heads of Service	Head of Planning and Environment Services Head of Legal and Democratic Services

1. **SUMMARY**

1.1 Consideration of Tree Preservation Order (No. 15) 2006.

2. **RECOMMENDATION**

2.1 It is recommended that the Order be confirmed without modification on the basis that the trees provide special amenity value.

3. **BACKGROUND**

3.1 On the recommendation of the Council's Woodland Officer, Mr. A. Bucklitch, this emergency tree preservation order was made to protect four oak trees located around the garage belonging to the property known as Seven Bays, Middle Lane, Headley Heath.

3.2 The garage itself has suffered some structural damage as outlined in the attached letter of objection, received from Mr. Simon Beckett. Mr. Beckett believes that the structural damage has been caused by the excessively dry summer last year and the close proximity of the trees to the garage. He also claims that the trees have no special amenity value as they are all "scrub oaks".

3.3 Mr. Bucklitch has re-inspected the site having regard to the contents of Mr. Beckett's letter of objection and has prepared the attached Memorandum by way of a response. He has commented as follows:-

"It would appear that the soil of the area has a high clay content. However, the pattern of damage to the garage at Seven Bays appears to be totally inconsistent with subsidence (downward movement) of the ground. It would appear the opposite end of the garage has, in fact, moved upwards and that the damage is therefore the result of heave rather than subsidence. The garage was built in between two large well established mature trees - an oak and a willow - on ground that will therefore be expected to have already been dehydrated. The willow was felled after the garage was built and it is therefore to be expected that the ground

at that end of the garage will have begun to re-hydrate and expand, thus causing heave and the resulting damage seen to the garage.

As this appears to be the case, it is expected that the loss of further trees, in particular the oak (T1), would cause further damage to the property.

The original allegation of subsidence damage was made by a company of engineers and surveyors although it appears that this was based on opinion rather than as a result of any appropriate investigations of any kind having been carried out. To date, no further communication or evidence has been received from this company."

4. **FINANCIAL IMPLICATIONS**

4.1 None.

5. **LEGAL IMPLICATIONS**

5.1 Town and Country Planning (Trees) Regulations 1999.

6. **CORPORATE OBJECTIVES**

6.1 (a) To provide a clean, safe and attractive environment.

(b) To protect and improve our environment.

7. **RISK MANAGEMENT**

7.1 There are no anticipated risks.

8. **CUSTOMER IMPLICATIONS**

8.1 None.

9. **OTHER IMPLICATIONS**

9.1	Procurement Issues	None
	Personnel Implications	None
	Governance / Performance Management	None
	Community Safety (including Section 17 of the Crime and Disorder Act 1998)	Trees not considered to be at risk
	Policy	None
	Environmental	Amenity value
	Equalities and Diversity	None

10. **OTHERS CONSULTED ON THE REPORT**

10.1	Portfolio Holder	No
	Acting Chief Executive	No
	Corporate Director (Services)	No
	Assistant Chief Executive	No
	Head of Planning and Environment Services	No
	Head of Legal and Democratic Services	No
	Head of Financial Services	No
	Head of Organisational Development and Human Resources	No
	Corporate Procurement Team	No

11. **APPENDICES**

- 11.1 Appendix 1 - letter, dated 4th December 2006, from Mr. Simon Beckett, of A. E. Beckett and Sons Ltd.
- 11.2 Appendix 2 - Memorandum, dated 4th June 2007, from Mr. A. Bucklitch, Woodland Officer

12. **BACKGROUND PAPERS**

- 12.1 Tree Preservation Order (No. 15) 2006.

CONTACT OFFICER

Name: Steve Jones, Tree Officer
email: steve.jones@bromsgrove.gov.uk
Tel.: 01527 881321