

Additional Papers

Planning Committee

Wed 12 Apr
2017
7.00 pm

Council Chamber
Town Hall
Redditch



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Janice Smyth

Democratic Services Officer

Town Hall, Walter Stranz Square, Redditch, B98 8AH

Tel: (01527) 64252 Ext. 3266 Fax: (01527) 65216

e.mail: janice.smyth@bromsgroveandredditch.gov.uk

Minicom: 595528



PLANNING COMMITTEE

Wednesday, 12 April 2017

7.00 pm

Council Chamber Town Hall

Agenda

Membership:

Cllrs:	Andrew Fry (Chair)	Wanda King
	Nina Wood-Ford (Vice-Chair)	Gareth Prosser
	Roger Bennett	Yvonne Smith
	Michael Chalk	Jennifer Wheeler
	Matthew Dormer	

8. Borough of Redditch Tree Preservation Order No. 164 - Hewell Road, Batchley, Redditch

(Pages 1 - 12)

To consider a report which proposes confirmation of Tree Preservation Order No. 164, following receipt of one objection.

(Report and Appendices attached)

(Batchley & Brockhill Ward)

REDDITCH BOROUGH COUNCIL**PLANNING
COMMITTEE**12th April 2017**TREE PRESERVATION ORDER (No.164) 2016, Hewell Road, Redditch –
CONFIRMATION**

Relevant Portfolio Holder	Cllr D. Chance
Portfolio Holder Consulted	No
Relevant Head of Service	Ruth Bamford, Head of Planning and Regeneration Guy Revans, Head of Environment
Ward(s) Affected	Enfield
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 This report proposes the long term protection of a number of semi mature and mature tree which are considered to be of positive benefit to the public amenity, and their value therefore makes them worthy of retention in the longer term.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that:

Tree Preservation Order (No.164) 2016, as detailed in the Schedule attached at Appendix 1 and Plan at Appendix 2 be confirmed without modification.

3. KEY ISSUES**Financial Implications**

- 3.1 The costs of the administrative and technical processes associated with this matter may be met from within existing budgets, and the financial aspects are not a matter for the Planning Committee to consider.

Legal Implications

- 3.2 These matters are completed in line with the provisions of the Town & Country Planning Act 1990 (as amended).
- 3.3 The Legal Services Manager has been consulted with regard to the legal implications.

REDDITCH BOROUGH COUNCIL**PLANNING
COMMITTEE**12th April 2017**Service/Operational Implications**

- 3.4 Tree Preservation Orders (TPO) are made to protect trees (individuals, groups, areas, or entire woodlands) that contribute significantly to their local environment and to its enjoyment by the public. This is known as the public amenity value of trees. When suitable trees/woodlands are identified, and when it is considered expedient to do so, a provisional TPO is made which comes into immediately and remains in force for a period of six months. During this time there is a consultation period where interested parties can make representations against or in favour of the TPO.
- 3.5 Following the consultation period a decision must be made to either confirm (i.e. make permanent) the TPO or not. If representations are received then the matter is considered by the Planning Committee, and generally if no representations are received then the TPO is confirmed by Officers of the Council under delegated powers.
- 3.6 On the 10th November 2016 a provisional TPO was made on a group of three trees on land at Hewell Road, Enfield, Redditch. This followed information being received which stated that a group of four prominent Lime trees were to be felled in the near future. As such the trees were visually assessed and it was deemed appropriate to protect the majority of the trees in Hewell Road as individual groups by creating a new TPO.
- 3.7 The trees subject to this TPO form three prominent feature groups of trees located along Hewell Road, Redditch. They are in a North West to South Eastern line along Hewell Road, approximately 5 metres away from the roadside and separated by the road junction to Elizabeth Way and entrances to the neighbouring industrial units along Hewell Road. They are a mixed group of trees, as identified as G1, G2 & G3 in the First Schedule of the Order.
- 3.8 The trees are situated along the roadside side boundary of Hewell Road, the trees are fully visible from public viewpoints nearby and also act a notable landscape features from the surrounding roads on all sides. They are predominantly early to semi mature specimen trees which add greatly to the visual character of the area, being an attractive feature of the established urban street scene. As such they are deemed to have a significant public amenity value, and so a TPO was made to protect the future contribution that the trees will make to the public amenity and quality of the local landscape scene.
- 3.9 Notification of this Order was then served on all persons that could be affected by the making of the TPO, and the consultation period for representations ran until the 10th December 2016. During this period one objection was received from the land owner to which G2 are located upon. The temporary Order will remain in force until 10th May 2017, or until it is decided whether to make the Order permanent or not, whichever occurs first.

REDDITCH BOROUGH COUNCIL**PLANNING
COMMITTEE**12th April 2017

3.10 The objection comprises of the following main points:

- i. The trees to the adjacent land, which is being presently developed, have been removed regardless of age, stature, species or amenity.
- ii. The tree Lime trees (G2) are causing blocked drains & guttering on the property, and also adds to flooding in the area along the road.
- iii. The lime trees (G2) are causing heave on the security fence & tarmac car park area. There are concerns regarding the root system causing damage to the adjacent building. The trees are also causing mildew to form on the adjacent building which is undesirable as is the honeydew problem which causes damage to the vehicles parked underneath the trees.
- iv. To remove the trees would be safer for pedestrians without causing leaf fall in autumn/winter & after heavy rainfall.
- v. To maintain flora & fauna there is a good sized hedgerow to the boundary which when well-maintained will add to the amenity value.

3.11 The Tree Officer responds as follows:

- i. The group of four Lime trees are of semi maturity that have grown in close proximity to the adjacent industrial unit for probably in excess of 20 to 30 years. There are no lower branches which restrict access and no branches which are within touching distance of the industrial unit. There has been works granted since the TPO order came into force to allow for the remaining four Lime trees to be pollarded to alleviate any encroachment towards the industrial unit and adjacent highway. The works granted will alleviate the overall size of the trees and the amount of leaf fall throughout the years should these trees be systematically managed as a pollard every 5 to 10 years whilst still providing amenity and screen value to the neighbouring properties in Hewell Road.
- ii. The trees which have been removed in relation to the neighbouring site being presently developed were deemed to be of low quality trees and of self-set early maturity. These trees would have not merited being protected under a TPO due to the low amenity value these trees provided to the local landscape scene.
- iii. The damage to the security fence is due to it having been constructed immediately adjacent to the stems of all four trees, meaning the natural movement and growth of the main stem will exert pressure against the fence resulting in this minor damage to the fence line. The damage is easily repairable and also avoidable by moving the fence line further away, or having a different boundary construction. The heave to the tarmacked surface within the car park is only around the root buttresses of

**PLANNING
COMMITTEE**12th April 2017

the four Lime trees due the growth of the root buttress's the level of damage is minor and can be resolved by resurfacing works. There were no visual signs of any further damage remaining within the existing car park surface when undertaking my site visit to access the trees in relation to the TPO order. In relation to the potential subsidence damage this would need to be clarified with supportive evidence in relation to a subsidence report. However there were no visual signs of damage to the exterior walls which would indicate evidence of subsidence damage. The two lime trees which were in close proximity to the industrial unit were not included within the TPO order and it was agreed with the tree surgeon these could be removed to alleviate any potential future impact on the industrial unit, the remaining trees are of an appropriate distance from the industrial unit therefore negating any future impact on the property.

- iv. The leaves blocking drains and guttering is an issue which is easily resolved with regular cleaning of the guttering and sweeping of the fallen leaves which is only an issue for a number of months throughout the autumn, although as with all trees the issue of falling leaves is part of normal household maintenance and not considered a reason to remove mature trees. Further to this the rooting system of the Lime trees would only enter the drainage system if there was existing damage to the drains. The roots of trees have no mechanical force to exert pressure on drains to break them open. In view of this repairing the drains would alleviate any further root encroachment in the future, however there is no physical evidence supplied that this is occurring at this present time and full survey of the drains would ascertain this.
- v. The existing hedgerow along the boundary provides a moderate wildlife value to the surrounding area, however this does not provide any visual amenity value to the surrounding area and therefore would not be an adequate replacement for these prominent feature trees.
- vi. Please see section 3.7 and 3.8 regarding the description of the visual amenity of these three prominent groups of trees. Photo sheets showing their prominence, both as immediate street features and also as a backdrop to the urban landscape will be provided in the Officer presentation at the meeting.
- vii. Tree Preservation Orders are designed to be administered with the minimum of imposition on anyone wishing to carry out works to protected trees, and with no extra cost burden to the applicant. TPO's also enabling us to offer our advice to an applicant on the type of works that would be appropriate. The purpose of having a TPO in place is not to prevent any tree works, but to ensure that the tree are not prematurely removed or excessively pruned so as to negatively affect the health or amenity value of the tree(s). I feel that a permanent TPO on these valuable trees is an appropriate measure to ensure that they protected and reasonably managed in the long term.

**PLANNING
COMMITTEE**12th April 2017

Policy implications

3.12 None

Climate change/biodiversity implications

3.13 The long term protection offered by making the TPO permanent would be considered a positive impact on the environment.

Customer / Equalities and Diversity Implications

3.14 The customers have been provided with the relevant notification, and will receive a postal notification of the committee decision.

3.15 Equalities and Diversity implications - none

4. RISK MANAGEMENT

The risk of not protecting the trees is that in the long term they may be felled or inappropriately pruned such that their significance and contribution to the wider area would be diminished, causing a loss to the amenity of the area.

5. APPENDICES

Appendix 1 - Proposed TPO Schedule for confirmation.
Appendix 2 - TPO Plan identifying location of trees.

6. BACKGROUND PAPERS

Relevant documentation on file.

7. KEY

TPO = Tree Preservation Order

AUTHOR OF REPORT

Name: James White, Tree Officer
email: james.white@bromsgroveandredditch.gov.uk
Tel.: (01527) 64252 Ext: 2561

Town and Country Planning (Tree Preservation) (England) Regulations 2012

Town and Country Planning Act 1990

The Tree Preservation Order (164) 2016

The Council of the Borough of Redditch in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as Borough of Redditch Tree Preservation Order (164) 2016.

Interpretation

- 2.— (1) In this Order "the authority" means The Council of the Borough of Redditch.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

- 3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 10th November 2016

Signed on behalf of Redditch Borough Council


CLARE FLANAGAN
Authorised Signatory

First Schedule**Trees specified individually**

(encircled in black on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
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NONE

Trees specified by reference to an area

(within a dotted black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
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NONE

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
G1	x2 Lime	403723 – 267980	Situated on land outside Hi Q tyres, Hewell Road
G2	x4 Lime	403696 – 268022	Situated on land to the rear of Units 42 & 43 Enfield Industrial Estate
G3	x9 Ash x3 Field Maple x3 Wild Cherry x1 Beech x4 Silver Birch x1 Hawthorn x2 Oak x1 Hawthorn x1 Japanese Red Cedar	403548 – 268138	Situated on land to the side and front of Unit 1 Enfield Industrial Estate

NONE

Woodlands

(within a continuous black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
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NONE

Appendix 2



