

REDDITCH BOROUGH COUNCIL

PLANNING COMMITTEE

12th November 2014

TREE PRESERVATION ORDER No.148 (2014) - Trees on land at Prospect Hill Car Park, Redditch – CONFIRMATION

Relevant Portfolio Holder	Cllr Greg Chance
Portfolio Holder Consulted	No
Relevant Head of Service	Ruth Bamford, Head of Planning and Regeneration Guy Revans, Head of Environment
Ward(s) Affected	Abbey
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 significant trees which are considered to be of positive benefit to public amenity. Their value therefore makes them worthy of retention in the longer term.

2. RECOMMENDATIONS

- 2.1 **The Committee is asked to RESOLVE that:**

Tree Preservation Order No. 148 (2014), as detailed in the Schedule attached at Appendix 1 and Plan in the plan pack 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 Legal Services has been consulted with regard to the legal implications.

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 effect 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 11th June 2014 a provisional TPO was made on several individuals and groups of trees on land at Prospect Hill Public Car Park, Redditch. This followed a planning consultation for part of the site, which also raised the possibility of future redevelopment of the wider site as well. As part of the normal planning consultation process, the trees were assessed, and it was deemed appropriate to protect selected trees to ensure they are retained and given sufficient consideration within the planning process.
- 3.7 This TPO covers a total of 35 trees, which are a mixture of large and significant individual specimens and groups of trees. They are located throughout the heavily tree-covered site, both within the public car parking areas and within boundary vegetation as identified in the plan in the plan pack. As predominantly mature specimens they add greatly to the visual character of the local landscape, and are deemed to have a significant public amenity value, which will be further enhanced in the event of lesser quality trees being removed to facilitate possible future re-development of the site (also see 3.10).
- 3.8 Notification of this new TPO was served on all persons that could be affected by the Order, and a consultation period for representations ran for 28 days. During this period one objection was received from the agent of the landowner responsible for most of the site and trees. The provisional TPO will remain in force until 11th December 2014, or until it is decided whether to make the Order permanent or not, whichever occurs first.
- 3.9 The objection comprises a letter from the agent and a supporting tree assessment report from an arboricultural consultant, which can be summarised into the following main points:
- i. The trees subject to the objection (that is, T1, T2, T3, G4 and G5) only have limited public visibility and amenity value, due to their locations within the site which are obscured by other boundary vegetation.
 - ii. The retention of the trees subject to the objection "*may adversely impact on the developability of the site*", as they will add constraints to this site which is proposed for mixed use development within the Local Plan.

- iii. An additional objection reason within the tree report, specifically in respect of T1. That it is suspected of suffering from a decay infection, which will require tree surgery to counteract the resultant weakness and limit its future longevity and amenity value.
- iv. Although not part of the objection, the tree report also queries which trees are included within G4, as there are two silver birches and two sycamores close to where the group is located, but only one of each is included within the TPO.

3.10 The Tree Officer responds as follows:

- i. In line with Government guidance, this council carries out a systematic assessment of trees to evaluate whether or not they are worthy of being included within a new TPO. The council uses nationally recognised assessment criteria to do this, which looks at the trees amenity value in terms of current and potential public visibility, general condition, longevity, potential threats to the trees, and other factors such as whether they form part of significant groups. An important part of this assessment is to consider its potential *future* visibility based on possible land use changes. It is not considered that the protection of these trees would prevent any future redevelopment of the site and the potential to improve their contribution and importance through a well-designed development which protects their longevity would be both possible and welcomed.

In respect of current visibility, the trees included within this TPO are either fully or partially visible from major public viewpoints, as well as various local business premises. They are prominent in the local landscape. In respect of each of the trees/groups being objected to on visibility grounds, I would comment as follows:

- T1 and T2 – both trees are visible from the main car park entrance, and T2 in particular is very tall and visible from Prospect Hill. The supporting tree survey contradicts the agent's objection in that it considers T2 worthy of TPO inclusion.
 - T3 – this very large tree is visible from Prospect Hill through a secondary gated entrance to the site, and is prominent above surrounding trees from the Ringway and other viewpoints to the south.
 - G4 – a prominent group in the centre of the car park, currently partially visible from main car park barriers as well as secondary gated site entrance from Prospect Hill (beyond T3).
 - G5 – tall trees on elevated ground, currently partially visible from secondary gated site entrance from Prospect Hill (beyond T3), as well as from the Ringway.
- ii. TPO legislation works within the Planning system and it is common to make new TPOs as part of planning consultations. They are not made to prevent appropriate development, but to protect existing significant trees

and ensure they are retained within a well-designed future development which provides visual and environmental benefits in years to come. The latest Government guidance on TPOs advises that councils should consider making TPOs on significant trees when it suspects that they may be at risk of felling or severe pruning, such as due to future development pressure. I consider that the wording used in the objection letter insofar as tree retentions adversely affecting development potential indicates that if no TPO were made then all these trees would be at risk of premature felling to facilitate a “blank canvas” on which to maximise future development. This would undoubtedly be to the detriment of the natural environment and public visual amenity in this prominent town centre gateway site.

There is currently a very dense coverage of trees and other vegetation on this site, and the council could have considered applying a “blanket” style area TPO which automatically protects every tree standing. This would serve to give the council a controlling hand over the future management of all trees on site but would have significant implications for future development potential of the site. However, in acknowledging the sites role within the latest Local Plan, we would not wish to unduly restrict beneficial re-development so only the best trees have been included within the TPO. These trees are a very small percentage of the current overall tree cover and will not unreasonably restrict the sites potential, but will serve to enhance the visual appearance of any future re-development.

- iii. Small pockets of decay in the outer trunk of mature trees are quite common, especially around ground level where a combination of damage and moisture result in some decay. However this only becomes a potential safety issue if certain wood-decay infections set in, and even then the impact is limited and may take many years to establish depending on the type of infection and condition/species of tree. The small pocket of decay highlighted in the tree report was noted when assessing T1 for inclusion in the TPO, however there is no indication that this tree is suffering from the infection as suspected in the report. We have monitored the tree since the TPO was made for any signs of fungal growth that would indicate a potential serious infection such as the one listed, however no indicative fruiting bodies are present and there is no current indication that the future amenity value of this tree will be affected by this small area of decay.

The most common sense approach to this situation would be to continue to monitor the tree in the future for any changes in its condition and/or area of decay. The fact that this tree has been included in the TPO will have no implications on this course of action, as the landowner should already be having the trees on site inspected periodically to ensure they are not a safety issue for users of the car park. If this or any other tree becomes a potential hazard then the appropriate course of action will be required to maintain site safety. This may include safety work as described in the tree report, however

the TPO legislation will require that the owner/agent applies to the council and obtains consent prior to undertaking the works. We will not refuse appropriate levels of work to maintain the safety of any tree subject to a TPO; therefore it would be unreasonable to exclude this tree from the TPO just because there may be possible future work requirements or unconfirmed reports of a decay infection.

- iv. The positioning of group G4 is accurately shown by the extent of the dashed line on the TPO plan. The tree report correctly mentions that there is more than one birch and sycamore tree close to the location of G4; however the position of both trees is slightly outside the dashed line. To clarify, the trees included are a single large sycamore to the south of the unmade vehicular track, a pine immediately north-west on the northern side of the track, and a large silver birch to the west of the pine, also on the northern side of the track.

The smaller unprotected silver birch mentioned in the report is outside the dashed line boundary, east of the large sycamore on the southern side of the track. The smaller sycamore that is not included is located slightly north-east of the protected sycamore, on the northern side of the track.

3.11

- i. Policy implications – none.
- ii. HR implications – none.
- iii. Climate change/biodiversity implications – the long term protection offered by making the TPO permanent would be considered a positive impact on the environment.

Customer / Equalities and Diversity Implications

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

3.13 Equalities and Diversity implications – none.

4. RISK MANAGEMENT

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

5. APPENDICES

Appendix 1 - Proposed TPO schedule for confirmation.

6. BACKGROUND PAPERS

Relevant documentation on file and site plan in plan pack.

7. KEY

TPO = Tree Preservation Order.

AUTHOR OF REPORT

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APPENDIX 1

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>
T1	Beech	404275 / 268030	Near centre of northern boundary.
T2	Lime	404272 / 268016	Immediately south of T1.
T3	Lime	404215 / 267964	Near southwest corner of site.
T4	Monkey puzzle	404230 / 267941	On southern site boundary, adjacent to highway slip road.
T5	Lime	404190 / 267944	Southwest corner of site, adjacent to Prospect Hill.

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>
		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	8 x lime	404254 / 268043	Along northern site boundary.
G2	10 x lime	404310 / 268035	Along northern site boundary.
G3	7 x lime	404365 / 268033	Northeast corner of site.
G4	1 silver birch, 1 pine, 1 sycamore	404255 / 267986	South of main central parking area.
G5	1 ash, 1 lime	404243 / 267973	Trees either side of footpath steps, southwest of G4.

Woodlands

(within a continuous black line on the map)

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