

# **PLANNING COMMITTEE**

**29th February 2012**

## **TREE PRESERVATION ORDER No. (139) 2011 – CONFIRMATION - FORMER DINGLESIDE MIDDLE SCHOOL AND ADJOINING COUNCIL OWNED LAND**

Relevant Portfolio Holder	Councillor Jinny Pearce, Portfolio Holder, Planning, Regeneration, Economic Development and Transport
Portfolio Holder Consulted	No
Relevant Head of Service	Ruth Bamford, Head of Planning and Regeneration Guy Revans, Head of Environment
Wards Affected	Greenlands
Ward Councillor Consulted	No
Non-Key Decision	

### **1. SUMMARY OF PROPOSALS**

This report proposes the long term protection of trees that are mature and significant and therefore considered to be of positive benefit to amenity and their value makes them worthy of retention in the longer term.

### **2. RECOMMENDATIONS**

**The Committee is asked to RESOLVE that**

**Tree Preservation Order No (139) 2011, as detailed in the Schedule attached at Appendix 1 to the report and Plan at Appendix 2, be confirmed.**

### **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).

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- 3.3 The Legal Services Manager has been consulted with regard to the legal implications.

**Service/Operational Implications**

- 3.4 This site encompasses the former Dingleside Middle School and adjoining council-owned land, which is all in the process of being sold for residential development purposes. As the site supports many individuals and groups of trees, it was deemed appropriate to survey the site to establish whether any trees are worthy of protection by means of a Tree Preservation Order (TPO), prior to being sold for development.
- 3.5 TPOs 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 a provisional TPO is made which comes into effect immediately, followed by a consultation period where interested parties can make representations against or in favour of the TPO.
- 3.6 Following the consultation period a decision must be made to either confirm (in other words, 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. However, when TPOs are made on council-owned land, as in this particular instance, it has been decided that the matter should be considered by the Planning Committee whether or not any representations are received.
- 3.7 Following a survey of the site, five individual trees were identified for inclusion within a new TPO. These trees are identified as T1 (ash), and T2 to T5 (all oaks). They are all mature specimens of good health and structure, and located in prominent locations within the site and on its boundary. As mature native trees they add greatly to the character of the area and are of high biodiversity value. The trees are also of historic value as they form part of the former field boundaries which existed in the agricultural landscape prior to the development of Redditch. A TPO was therefore made to protect the future contribution that the trees will make to public amenity.
- 3.8 Prior to the TPO being made, these trees had already been included for retention within an Indicative Site Plan for residential development approved under planning application reference 2010/210/OUT and thus have been identified as worthy of retention. This indicates an acknowledgement that the trees will enhance the visual amenity of future landscaping, and will not act as a barrier to development.
- 3.9 It should be noted that although there are some other large prominent trees within and around the boundary of the site, these were assessed and ultimately considered to be below the level of quality required for inclusion within the TPO. The reasons for this were primarily due to structural weaknesses as a result of damage, decay and poor growth habit.

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- 3.10 No representations have been received to date.
- 3.11 All five trees are large, mature and native specimens. They are of good health, and located in prominent positions. Their visual amenity will be further enhanced if development takes place as they will become clearly visible to many local residents. As the Indicative Site Plan has already shown, these trees can all be comfortably retained and incorporated within a development and will enhance the site as established landscape features. The fact that no objections to this TPO have been received (neither from the agent/applicant nor any local residents) indicates that the amenity value of these trees is widely accepted.

**Customer / Equalities and Diversity Implications**

- 3.12 No relevant implications have been identified.

**4. RISK MANAGEMENT**

The risk of not protecting the trees is that in the long term they may cease to fall within the control of the Council and therefore be felled or 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 - Plan attached under separate cover  
(see Committee Plan Pack)

**6. BACKGROUND PAPERS**

Relevant correspondence on file.

**7. Key**

TPO = Tree Preservation Order.

**AUTHOR OF REPORT**

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**APPENDIX ONE**

**First Schedule**

**Trees specified individually**

(encircled in black on the attached map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
T1	Ash	405470/265662	Northwest corner of former school site.
T2	Oak	405484/265631	Within hedgerow to west of former school building.
T3	Oak	405502/265607	Within hedgerow to west of former school building.
T4	Oak	405544/265557	Southwest corner of site, near former entrance gate.
T5	Oak	405708/265658	Adjacent to public footpath on southeast corner of site.

**Trees specified by reference to an area**

(within a dotted black line on the map)

NONE

**Groups of Trees**

(within a broken black line on the map)

NONE

**Woodlands**

(within a continuous black line on the map)

NONE