

Cottams Solicitors Limited  
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4 July 2018

Dear Mr Cottam

I refer to your letter of 28 June, **Our Clients: Famous Websites Ltd, Mrs H Martin and Mr S Martin**, and set out our response below.

### **Background**

- In undertaking the 'Planning Timeline' analysis for 2 Station Approach, the Forum was careful to draw its source information from the SMBC documents on public record relating to this Planning Application.
- The Planning Committee report did not make clear that the TPO related to a tree close to, but outside, the perimeter of the development site. This led to a genuine misunderstanding, made on the basis of the information available and re-inforced by the fact that it is also very clear from the public record that all the trees should be retained (ref. Condition 6 to “minimise disturbance to existing trees within and adjoining the site”).
- The Forum was circumspect in who it issued the document to, circulating it only to those residents who had raised concerns to the Forum and to SMBC. It has not been distributed to the full Membership.
- SMBC has since clarified that the TPO mentioned in the Planning Committee report refers to a tree on land adjacent to the development site, hence the reference to ensuring its root protection area is not disturbed by building works. We thanked them for the clarification and, in response to our follow up note, they have confirmed that the other details are correct.

### **In response to specific points raised your letter:**

- The Forum was in error in saying that a tree with a TPO had been removed. We have no problem with correcting the error, as we would always do in any such case, and apologising for the misunderstanding. As you request, we will issue an apology in our next Newsletter due out in the next week, referencing the original document, your letter and this letter which we will place on our website. Please pass on our apologies and regret for any distress caused to your client.
- We were not aware that one of the recipients had placed the document ‘in a prominent position in the entrance of Forest Hotel’, and cannot be held responsible in any way for this. We are not aware of any evidence that demonstrates harm to your client.

- You state that the document ‘clearly refers to our clients’. This is incorrect. It makes no reference to any individual or organisation - and certainly not Famous Websites Ltd. Rather, it refers generically to ‘the developer’. In fact, one of the problems is that the Forum, and residents who have raised concerns, are actually unsure who the developer is (there being no advertising on the hoarding around the site as is customary), and therefore who to contact directly with their concerns.
- You state that ‘there are no trees subject to Tree Preservation Orders in the vicinity’. SMBC has clarified that there are in fact two close by, in the land between the development site and Dorridge Station, one of which close enough to raise concern about potential root disturbance.
- You state that ‘no trees have been cut down by or on behalf of our clients’. Our document refers to photographs and the planning record itself that evidence the existence of mature trees in the development area that are now no longer there.
- We have regular meetings with SMBC. Further to the correspondence previously mentioned, we will re-iterate to them when we meet next week that we had in fact misunderstood the position in relation to the TPO, but that this was based on rather unclear information contained in the public record.
- In conclusion, given the above, we contend that any proposed legal proceedings for defamation would be completely unfounded. With regard to your clients’ claim for legal costs, the fact that your clients saw fit to seek legal advice is solely a matter for them and does not concern the Forum in any way.

Yours sincerely

J E AYKROYD  
Chair  
Knowle, Dorridge and Bentley Heath Neighbourhood Forum