

T08A07/18/SB/LP

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The Head of Legal, Equalities and Democratic Services
Bromsgrove District Council
Council Offices
Burcot Lane
Bromsgrove
Worcestershire B60 1AA



Dear Sirs

TREE PRESERVATION ORDER (NO.15) 2010 TREES ON LAND AT ALDI/FORMER BGW SITE, SHERWOOD ROAD, BROMSGROVE

We refer to the above tree preservation order, (the order) dated 8 November 2010 on behalf of our client Aldi Stores Limited and respectfully request that the order is not confirmed but is varied to accommodate our objection. This detailed objection is in accordance with regulation 4 of the town and country planning (trees) regulations, 1999.

We object to the order on the grounds that (1) the reasons for making the order on the basis of the trees provide special amenity value is not justified through the proper procedure of consideration and (2) the order is contrary to government advice. The current government advice about the creation and service of tree preservation order is found in the DCLG publication. Tree preservation orders; a guide to the law and good practice 2000-(the blue book 2000).

The Council states the order was made because – 'The trees provide special amenity value and the tree preservation order is made in the interests of amenity. It is important to note that the council has not said how it assessed the special amenity value of the trees on the site and this order includes trees that are to be installed as part of the development proposals for the site. Chapter 3 of the blue book 2000 contains detailed advice on making and confirming tree preservation orders. Paragraph 3.3. deals with the issue of the reasons and states clearly that LPA should be able to explain to landowners why their trees or woodlands have been protected by a TPO. They are advised to develop ways of assessing the amenity value of trees in a structured and consistent way taking into account the following key criteria:

- 1 Visibility
- 2 Visual impact
- 3 Wider impact
- 4 Expediency

As far as we are aware this assessment has not been carried out by the local authority and in fact when you review the above mentioned factors in considering amenity value as laid out in 3.3 of the blue book it is our opinion that such an assessment has not been undertaken as a number of trees that are included in this blanket tree preservation order do not meet the criteria warranting a TPO on amenity values.

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For example the visibility assessment states that the extent to which the trees or woodland can be seen by the general public will inform the LPA's assessment as to whether its impact on the local environment is significant. If they cannot be seen or are just barely visible from a public place a TPO might only be justified in exceptional circumstances, the grouping of the trees as a whole under A1 does not demonstrate due consideration of this assessment.

In relation to Individual impact the mere fact that a tree is publicly visible will not in itself be sufficient to warrant a TPO, the LPA should also assess the trees particular importance by reference to its size and form, its future amenity potential, take into account any special factors such as rarity, value as a screen or contribution to the character or appearance of a conservation area. The site is not within a conservation area and therefore the justification for TPO tree references no. T6, T7, T8, T9, T10 and T11 and T12 questionable. Wider impact again needs to be questioned as to whether T6, T7, T8, T9 T10, T11 or T12 justify a tree preservation order. However with a grouping like G4 it is clear to see that there is benefit in their amenity value along with G2. In relation to expediency the blue book states although a tree may merit protection on amenity grounds it may not be expedient to make it subject to the TPO, for example, it is unlikely to be expedient to make a TPO in respect of trees which are under good agricultural or horticultural management.

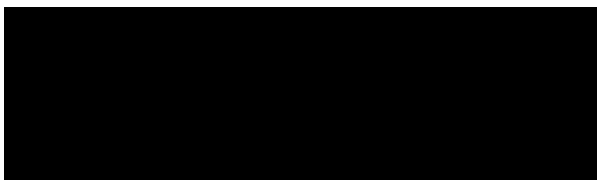
Post development the trees on this site have been well managed and the amenity value has been improved.

Throughout the whole development full cooperation has been provided with Bromsgrove District Council's Tree Officer and no works have been carried out unless agreed with him and therefore the requirement for an immediate tree preservation order was not justified.

In regard to the trees that we suggest have a justification for tree preservation orders, we suggest that these are groupings G2, G4 and an amended A1 as well as individual trees T4 and T5 which we suggest are the groupings and trees that are necessary to secure amenity value for the development. The crack willows in grouping G1 will require constant maintenance and are under no immediate threat as they are essential for bank stabilisation.

In summary therefore, we formally object to the order on the grounds that the reasons are not satisfactorily explained and by virtue of the blanket site tree preservation order are contrary to government advice. We respectfully request that the Council give serious consideration to the grounds of the objection as set out herein and reconsiders an amended confirmation of the order. Namely the preservation of G2, G4 groupings, amending A1 and individual trees T4 and T5.

Please acknowledge this objection.



c.c. Jonathan Neale - Aldi Stores Limited