

15 October 2012  
TPO objection.docx



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Dear Mrs Sultana

**Town & Country Planning Act 1990**  
**Bromsgrove District Council Tree Preservation Order (No.15) 2012 - Trees on land at The Sugarbrook, Charford Road, Bromsgrove, B60 3NJ**  
**Objections submitted under Regulation 6 of the Town & Country Planning (Tree Preservation) (England) Regulations 2012**

I write further to your letters dated 19 and 24 September 2012 through which Bromsgrove District Council served a Tree Preservation Order on to the applicant for the redevelopment of the site of The Sugarbrook Public House, Charford Road, Bromsgrove. The completed schedule to the TPO referenced the whole site as being the area to which the Order relates and to all trees falling within the area. This letter provides objections to the extent of the TPO and is submitted in accordance with Regulation 6 (1) (a-c) on behalf of KFC (GB) Ltd ("KFC") as planning applicant (application ref: 12/0701/FUL).

#### Reasons for Serving the TPO

The Council's stated reason is:

*"The trees provide special amenity value and the Tree Preservation Order is made in the interests of amenity."*

#### Objections to the Tree Preservation Order

The DCLG guide to tree preservation procedures (April 2012) states (question 2) that the purpose of a tree preservation order is:

*"to protect trees which bring significant amenity benefit to the local area. This protection is particularly important where trees are under threat" [underline added]*

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It continues (question 20) by stating:

*"A Tree Preservation Order does not prevent planning permission being granted. But a local planning authority will consider the risk to protected trees when deciding planning applications.*

and (question 19):

*"[Trees] can be protected by a tree preservation order or by a condition attached to a planning permission or both."*

KFC does not believe that all of the trees within area A1, as identified in the Schedule, have sufficient individual or group merit or amenity value to justify protection through a Tree Preservation Order. Guidance to the making of Orders notes that the use of Area TPO should be limited and should be modified at a later date to include specified individual or groups of trees instead of seeking blanket coverage.

Subsequent to the serving of the TPO, an independent assessment of the trees has been undertaken. The conclusions state that only those trees along the Charford Road frontage are of sufficient quality and amenity value to warrant consideration of protection.

Amenity is a subjective judgement. In this instance, the site must be considered within its context and locality. The A38 Stoke Road is a main thoroughfare of Bromsgrove and includes numerous mature trees that provide significant and continuous tree coverage and a visual edge to this part of the town.

The Charford Road/A38 junction provides one of the few breaks in this continuous coverage. Viewed in this context, the trees on the site add little to the visual amenity of the immediate surrounds. However, KFC recognises that by reason of this break in the continuous tree coverage, the trees on the Charford Road frontage provide a visual "green" connection, albeit limited, between groups of trees to the north and south of the site.

Planning application (12/0701) provides for the retention of the trees on the southern boundary and the replacement of the poor quality crab-apple trees on the western with better quality trees. These measures have been agreed with the Council's Tree Officer. As a result, we believe there is no longer any need for a TPO to be confirmed as trees deemed to be worthy of protection are now being retained as part of the development proposals. However, should the Council still be minded to confirm the Order, at the very least it should be modified to include only those trees shown identified on the attached plan as T2-T7 and a formal objection is made regarding the potential inclusion of trees on the southern and western boundaries none of



which are considered to be of sufficient arboricultural quality or significant visual/amenity benefit to justify being protected by a Tree Preservation Order.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rob Wells". The signature is stylized with a large, looped initial "R" and a cursive "Wells".

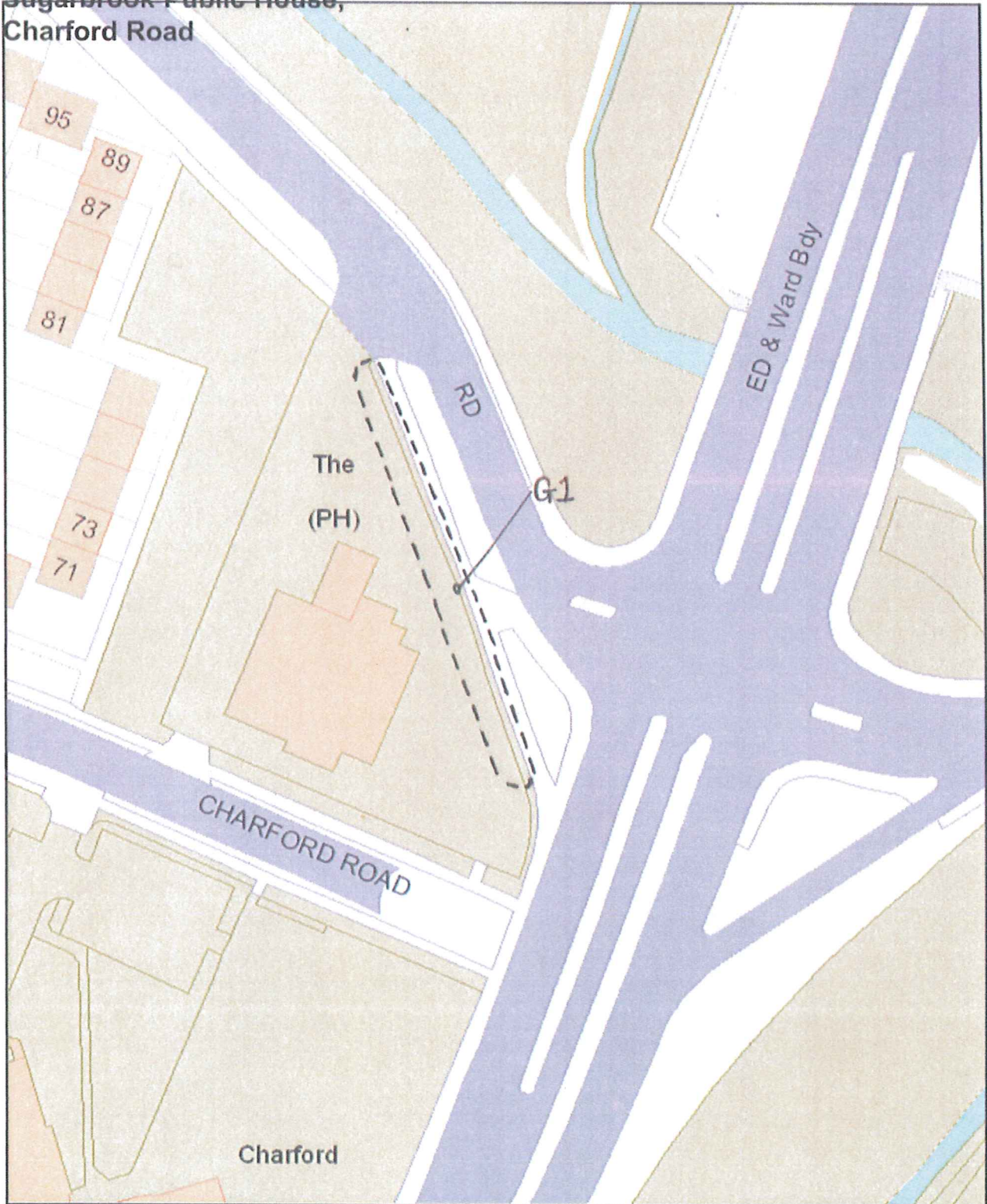
Rob Wells  
Associate

cc. J Peach

Enc



**Bromsgrove District Tree  
Preservation Order (15) 2012 The  
Sugarbrook Public House,  
Charford Road**



DATE TIME

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