

BROMSGROVE DISTRICT COUNCIL

**PLANNING
COMMITTEE**

9th January 2017

TREE PRESERVATION ORDER (NO.12) 2016 – Trees on land at Chelworth Road (and adjoining closes / roads) Walkers Heath, Birmingham B38.

Relevant Portfolio Holder	Kit Taylor
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning Services and Housing
Ward(s) Affected	Bromsgrove Central
Ward Councillor(s) Consulted	No
Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 The Committee is asked to consider the confirmation without modification of Tree Preservation Order (No.12) 2016 relating to trees on land at Chelworth Road (and adjoining closes) Walkers Heath, Birmingham B38.

2. RECOMMENDATIONS

- 2.1 **It is recommended that Tree Preservation Order (No.12) 2016 relating to trees on land at Chelworth Road (and adjoining closes/ roads) Walkers Heath, Birmingham B38 is confirmed as it stands in its provisional form and without any modification.**

3. KEY ISSUES

Financial Implications

- 3.1 There are no financial implications relating to the confirmation of the TPO.

Legal Implications

- 3.2 Town and Country Planning (Trees) Regulations 2012 covers this procedure.

Service / Operational Implications

Background

- 3.3 The TPO was provisionally made on the 22nd July 2016 to protect the trees within this estate in response to an enquiry made by the owner of 58 Chelworth Road in May requesting information about the status of an Oak tree to the front left side of his property which at this time was unprotected (See Photographs of this tree Appendix 1). The entail phone enquiry raised

concerns over the potential heavy mismanagement pruning or loss of this tree. On inspection of the estate in general it became apparent that there were a number of other prominent feature trees within the curtilage of other properties that were also unprotected at this time. Therefore it was felt prudent to widen the order to include the other trees to prevent these trees being subject to any potential future risk of mismanagement or loss also.

- 3.4 The provisional TPO was therefore raised and will remain in force until the 22nd January 2017. Notification of the Order was given to all persons in the surrounding area and to all those affected by the making of the TPO.

The Following two objections have been received in respect of the TPO

1. Email dated 26th July 2016 from Mr David Bourn, 58 Chelworth Road (Appendix 2).

Email response sent to Mr Bourn by Gavin Boyes is as follows:

“Dear Mr Bourn, my apologise for the delay in this response but I have been on leave for a few weeks. You are correct when you made your initial enquiry the tree concerned was not protected. But due to a potential threat of mismanagement of these feature Oak trees within the estate we have had no option but to raise a Tree Preservation Order on them to ensure their welfare.

I have attached the forms required to apply for permission to prune a protected tree. Once we receive an application we will visit the site to carry out an inspection of the tree in view of the issues raised.”

No application for permission to carryout work on the tree has been received to date.

2. Email dated 16th August 2016 from Mr Antil, 37 Heycott Grove, Walker Heath, Birmingham (Appendix 3).

Response email trail (Appendix 4). A general overview of which is that in checking the land ownerships of land around the property on the Land Registry website that T8,T9 and T10 are shown within the land associated to 37 Heycott Grove. My general view of the impact of these trees on the property is that there would be a justifiable level of management that would improve the situation in view of the issues raised in this enquiry. However on the basis of the current land ownership information available the tree would be the responsibility of the owner of 37 Heycott Grove. An application form and guidance notes have been sent to Mr Antil but no application requesting permission to work on these trees has been received to date.

**PLANNING
COMMITTEE**

9th January 2017

- 3.5 Conclusion and recommendations - the trees covered by this order are all highly prominent trees most of a considerable age and would certainly have been in existence prior to the development of this residential estate. They offer a very high level of visual amenity and habitat value to the area and therefore also add greatly to what is an urban environment which greatly increasing their importance in such a setting. Although in acceptable growing positions a large proportion of the tree are within rear gardens and local to properties. This will create occasional pressure to prune trees which I feel does need some control measure in place due to the importance of the trees. The proposal, in relation to confirming the TPO, can only be seen as a positive impact on the environment
- 3.6 Therefore I would recommend to the committee that the order is confirmed as it stands without any modification.

Customer / Equalities and Diversity Implications

- 3.7 The customers have been provided with the relevant notification and the responses received are attached in the appendices. The customers will receive notification by post of the decision of the committee.
- 3.8 Equalities and Diversity implications- None

4. RISK MANAGEMENT

- 4.1 There are no significant risks associated with the details included in this report.

5. APPENDICES

1. 2 x Photographs of the Oak tree side of 58 Chelworth Road.
2. Copy of Email objection from Mr David Bourn, 58 Chelworth Road.
3. Copy of Email objection from Mr Antil, 37 Heycott Grove.
4. Copy of Email correspondences between Mr Antil and Gavin Boyes(Senior Tree Officer regarding TPO management advice and land / tree owners issues raised including land registry search plan showing approximate locations of tree T8,T9 and T10
5. Copy of Provisional Order.
6. Plan of Provisional Order.
7. Photographs of some trees within the order.

BROMSGROVE DISTRICT COUNCIL

**PLANNING
COMMITTEE**

9th January 2017

6. **BACKGROUND PAPERS**

Council Objective 4- Environment, Priority C04 Planning

7. **KEY**

TPO - Tree Preservation Order

AUTHOR OF REPORT

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