

**BROMSGROVE DISTRICT COUNCIL**

**PLANNING  
COMMITTEE**

1st February 2021

**TREE PRESERVATION ORDER (NO. 12 ) 2020 – Tree/s on land at 19 Green Lane, Catshill, Bromsgrove, Worcestershire, B61 0LD.**

Relevant Portfolio Holder	Cllr M. A. Sherrey
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Catshill North Ward
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) 2020 relating to Tree/s on land at 19 Green Lane, Catshill, Bromsgrove, Worcestershire, B61 0LD.

**2. RECOMMENDATIONS**

- 2.1 It is recommended that provisional Tree Preservation Order (No.12) 2020 relating to trees on land at 19 Green Lane, Catshill, Bromsgrove, Worcestershire, B61 0LD is confirmed without modification as in the provisional order as raised and shown in appendix (1).

**3. KEY ISSUES**

**Financial Implications**

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

**Legal Implications**

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

**Service / Operational Implications**

**Background:**

- 3.4 The provisional order was raised on 4<sup>th</sup> August 2020 after a phone call was received from a resident of 19 Green Lane, Catshill regarding the tree included within the Order as they had received enquiries from neighbours in Beehive Close wanting the tree pruned with fear that neighbours may undertake works independently. The tree in question is a mature Oak that long predates the construction of both Beehive Close and Green Lane. The

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tree is a prominent feature, especially for the residents of Green Lane and Beehive Close and therefore it was deemed prudent to raise an order on the tree due to the potential risk of its mismanagement or loss. Since the provisional order was brought into force an application has been received and works granted under application TPO20/182 to crown reduce the tree and remove any deadwood.

**3.5** The following one objection has been received in respect of the provisional TPO having been raised;

**1.** Email received from Amy Mason of No.7 Beehive Close dated 17<sup>th</sup> August 2020 (Appendix 2)

My comments in relation to the points raise within the objection are as follows:

- a. Regarding health and safety issues raised around falling debris; It is accepted that a mature age class Oak tree will commonly develop an amount of growth habit deadwood within its crown which adds to debris fall, it is generally small in stature, therefore represents no major safety risk. The volume of deadwood debris fall can be greatly reduced for a considerable period of time once it is manually cleared from the crown of the tree. There are exemptions within TPO legislation which allow owners of protected trees to carry out work to remove deadwood and make a tree safe following any storm damage without the need to make a formal application requesting consent to do so. TPO protection of trees does not alter the responsibility for the duty of care in relation to their upkeep which requires any tree owner of a tree, be it protected or not, to ensure trees on their land are maintained in safe condition. The aim of TPO protection is to prevent its general mismanagement pruning works that would render the tree potentially unsafe or significantly reduce the tree's expected viability or its removal.
- b. With regards to dogs ingesting acorns; The production of and subsequent abscission of acorns is a normal part of an Oak trees life cycle that many ecosystems depend upon. Unfortunately, the only way to prevent the production of acorns would be to remove the tree in question. Which on balance is not appropriate when other control measures could be applied to address this issue i.e., vigilance of the owner.
- c. With regards to pollen and seasonal debris, as with the issues raised around acorns: Pruning of the tree in line with the level which has been granted under application TPO20/182 to reduce the crown volume will help to reduce and manage these issues for a considerable period of time. However, the only action that would eliminate the

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issues would be to remove the tree. Having considered this point the removal of the tree this is not felt to be an appropriate action to undertake when less damaging controls also exist such as medications and maintenance.

- d. With regards to the access to limited light within the garden, attributed to the Oak tree; the tree in question has previously had a crown reduction to maintain a compact crown with re-reduction granted under application TPO10/182. This twinned with the fact that the garden of No.7 Beehive is east-north-east facing even with the tree entire removal the natural light levels in this garden would be affected by the shadowing of the buildings.

3.6 Policy Implications- None  
HR Implications- None  
Council Objective 4- Environment, Priority C04 Planning

3.7 Climate Change / Carbon/ Biodiversity- The proposal in relation to confirming the TPO can only be seen as a positive impact on the environment.

**Customer / Equalities and Diversity Implications**

3.8 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.

3.9 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**

List Appendices.

Appendix (1) Plan & Schedule of Provisional Order

Appendix (2) Email of objection from Amy Mason of No.7 Beehive Close

Appendix (3) Photographs of trees subject to the order

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**6. BACKGROUND PAPERS**

None

**7. KEY**

TPO - Tree Preservation Order

TEMPO – Tree Evaluation Method for Preservation Orders

**7.1 Conclusion and recommendations:**

The tree in question is very prominent and provide a high level of amenity value to members of the public using either of the two public roads, Beehive Close and Green Lane that run on the west and east of the tree, additionally the tree included within the order adds greatly to the character of the area.

Therefore, I recommend to the committee that the order is confirmed and made permanent without modification as shown in appendix (1) of this report.

**AUTHOR OF REPORT**

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