

**PLANNING  
COMMITTEE**

27<sup>th</sup> April 2021

**Tree Preservation Order (19) 2020 Trees On Land Off Birkdale Avenue  
Blackwell, Bromsgrove**

Relevant Portfolio Holder	Cllr A. Sherry
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Blackwell 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 (19) 2020 relating to Tree/s on Land Side of 37 -38 Birkdale Avenue, Blackwell, Bromsgrove.

**2. RECOMMENDATIONS**

- 1.2 2.1 It is recommended that provisional Tree Preservation Order (19) 2020 on Land Side of 37 -38 Birkdale Avenue, Blackwell, Bromsgrove 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 19<sup>th</sup> November 2020 in view of a perceived threat brought to the Councils attention by residents in Birkdale Avenue of a risk of further tree clearance on the site due to a future alternative use for the land.

3.5 One objection has been received in respect of the provisional TPO having been raised as follows:

1. A letter dated 5<sup>th</sup> December 2020 from Mr Bill Batchelor ( the owner of the land) as shown in appendix (2)

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

Item 1:

From the evidence gained from a inspection of the site leads me to believe that there have been trees removed from an area of the ground adjacent to the side of number 37 Birkdale Avenue since the land was purchased in the 90's

Item 2:

I believe that the sale and subdivision of this land into parcels of land for garden use will lead to tree loss and increased risk of future development on the site.

Item 3:

The issue of access and made-up status of the ground and Green Belt status of the land could be overcome to achieve potential future development on the site.

Item 4:

This land would and the tree stock contained within it provides a buffer strip, screening and noise barrier from the local railway and a valuable wildlife corridor to the local estate and Birkdale Avenue. Therefore, any further depletion of the tree stock on the land influenced by this TPO would have a detrimental influence on the residents in Birkdale Avenue.

Item 5:

Personal information status information that has no major bearing on the issue of the TPO.

Item 6:

I have received no information directly from any resident in Birkdale Avenue confirming that they wish to own any of the land affected by the TPO as an extension to their existing garden space.

Item 7:

The highlighted negotiation over access rights to the land via land owned by number 37 Birkdale Avenue confirms that there is scope to overcome the access issue mentioned in item ( C) above and the potential future risk of alternative use of this land.

Item 8:

The ransom strip is not within the land affected by the TPO and access across it would be a civil legal matter.

Item 9:

I believe that points listed in items 1-8 listed above and that trees have already been removed proves a suitable level of risk exists to the remaining tree stock on the site.

Item 10:

The quality, species, and size of trees on the site and their distance from the railway is suitable for the nature of the site. I have seen no evidence to suggest that although this land slope down to the road at the side of the railway that it is unstable. The root plate development of trees on the slope of the land will help to secure and made up ground.

Item 11:

The quality, species and size of the trees on the site and the nature of the ground on the site shows no evidence to suggest that they are unstable and therefore represent any threat to the local properties or the railway line.

Item 12:

I believe that this strip of land is an important buffer strip from the railway for the residents of Birkdale Avenue and in view of the density and general character of the area designated as Woodland within the order that this designation is warranted.

One letter of support has been received from Mr Chris Kirkman in respect of the provisional TPO having been raised as shown in appendix (4)

- 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

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**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) Letter of Objection from Mr Bill Batchelor  
Appendix (3) Completed TEMPO Evaluation Sheet  
Appendix (4) Letter of Support from Mr Chris Kirkman  
Appendix (5) Photographs of trees with the order

**6. BACKGROUND PAPERS**

None

**7. KEY**

TPO - Tree Preservation Order  
TEMPO – Tree Evaluation Method for Preservation Orders

7.1 Conclusion and recommendations:

A Tree Evaluation Method For Preservation Orders (TEMPO) assessment of the group of trees was carried out to aid the decision making process of evaluating the trees suitability for protection and by my application of this assessment method the group of tree scored between 15 - 17 as shown in appendix (3). Any trees scoring over 12 under this method is deemed potentially suitable for Tree Preservation Order protection.

The trees are highly prominent to users of the railway and visitors to the area of Birkdale Avenue local to number 37 and 38 therefore offer a high degree of visual amenity value to passers-by on the train pedestrians and visitors to Birkdale Avenue, they add greatly to the character of the area.

Therefore, I recommend to the committee that Tree Preservation Order (19) 2020 is confirmed and made permanent without modification as shown in appendix (1) of this report.

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**27<sup>th</sup> April 2021**

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