

PLANNING COMMITTEE

6th September 2021

Bromsgrove District Council Tree Preservation Order (7) 2021 Trees on land at Church View, Bear Hill, Alvechurch B48 7JX

Relevant Portfolio Holder	Cllr A. Sherry
Portfolio Holder Consulted	No
Relevant Head of Service	Head of Planning and Environmental Services
Ward(s) Affected	Alvechurch
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 (7) 2021 relating to Trees on land at Church View, Bear Hill, Alvechurch B48 7JX.

2. RECOMMENDATIONS

- 1.2 It is recommended that provisional Tree Preservation Order (7) 2021 relating to trees on Land at Church View, Bear Hill, Alvechurch B48 7JX is confirmed without modification as raised in the provisional order 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 the 31ST March 2021 as shown in appendices (1) following the Council having received an enquiry requesting to know if T1 Beech tree of the order was under any level of formal protection and indicating that consideration was potentially been given to removing this tree.

3.5 Two objections have been received in respect of the provisional TPO having been raised as follows:

1. A letter dated 19th April 2021 from Mr and Mrs E Steed owners of Church View, Bear Hill as shown in appendix (2) of the report

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

- **As new owners they were advised that the no trees within the curtilage of the property were protected, and they could therefore manage them as they wished:** At the time this information was given to Mr & Mrs Steed it was correct. During the development phase of the site no formal protection was raised on the tree as it was always shown for retention within the scheme. and was not thought to be at risk. The threat to the tree only became evident later when the property had been brought and as a result of the enquiry made.
- **Proximity of the tree to the property:** I feel that the tree is of an appropriate distance from the property to allow a reasonable period of time for future development. I would envisage that ultimately T1 Beech tree will need some crown management pruning to allow its longer-term sustainability in this location.
- **The size and position of the tree makes the trees impact on the site unduly disproportionate in relation to the size of the garden:** The property has a reasonable size rear garden which would still have considerable areas that would be unaffected by the tree during lengthy periods of the day. The tree does stand on a higher tier of the garden than that of the property and therefore will appear larger in perspective than it actually is when viewed form the property.
- **The position of the tree means it blocks natural light from the garden for a considerable period of the day:** Due to the position of the tree in orientation to the property as the sun arcs around the property from East – West it will block light from a varying amount of the garden thought periods of the day.

- **Safety of the tree:** Both trees included within the order are currently in very good condition showing no visual evidence of any pathogens or structural defects. The form and growth habit of the trees is very good. If they were to develop any such issues a justifiable level of work to address the problem would not be restricted. I would argue that one of the benefits of having a TPO on a tree is that the advice of Council tree officers is available when an application for work is to be submitted. The BS5837:2012 recommended Root Protection Area of the tree was maintained throughout the development of the site and therefore I do not envisage any physiological issues developing with the tree due to the development work having taken place.
 - **Amenity Value the tree provides:** The tree is visible from the Church yard of St Lawrences Church to the rear of the property, from the walkway to St Lawrences Church, from the access road to the estate to the front of the property and to a number of other properties in the area.
2. Email from Mr & Mrs Cooke, 10 School Lane, Alvechurch B48 7SB dated 26/5/2021 as shown in appendix (3). Although this objection was outside of the consultation period It has been included within the report to give a full conception of local opinion.

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

- **T1 Beech offers no amenity value and block light to the property:**

T1 Beech tree would be clearly visible from the grounds of 10 School Lane and therefore would offer a degree visual amenity. It stands to the Northern side of this property and therefore I envisage it would only block light to the property for a short period of the morning.

- 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.

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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) Schedule and Plan of Provisional Order as raised

Appendix (2) Mr and Mrs E Steed owners of Church View, Bear Hill

Appendix (3) Email from Mr & Mrs Cooke, 10 School Lane, Alvechurch
B48 7SB

Appendix (4) Photos of the trees

6. BACKGROUND PAPERS

None

7. KEY

TPO - Tree Preservation Order

TEMPO – Tree Evaluation Method for Preservation Orders

7.1 Conclusion and recommendations:

- The trees within the order are visible from the Church yard of St Lawrences Church to the rear of the property, from the walkway to St Lawrences Church, from the access road to the estate to the front of the property and to a number of other properties in the area.

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therefore offer a reasonable degree of visual amenity value when viewed from a publicly accessible area and also add greatly to the character of the area.

Therefore, I recommend to the committee that Tree Preservation Order (7) 2021 is confirmed and made permanent with modification as shown in appendix (1) of this report.

AUTHOR OF REPORT

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