

**PLANNING  
COMMITTEE**

31<sup>st</sup> July 2013

**TREE PRESERVATION ORDER (No. 144) 2013, Trees on land at 27  
Avenue Road, Astwood Bank - CONFIRMATION**

Relevant Portfolio Holder	Cllr Greg Chance
Portfolio Holder Consulted	No
Relevant Head of Service	Ruth Bamford, Head of Planning and Regeneration Guy Revans, Head of Environment
Wards Affected	Astwood Bank & Feckenham Ward
Ward Councillor Consulted	No
Non-Key Decision	

**1. SUMMARY OF PROPOSALS**

- 1.1 This report proposes the long term protection of mature and significant trees which are considered to be of positive benefit to public amenity, and their value therefore makes them worthy of retention in the longer term.

**2. RECOMMENDATIONS**

**The Committee is asked to RESOLVE that:**

**Tree Preservation Order (No. 144) 2013, as detailed in the Schedule attached at Appendix 1 and Plan at Appendix 2 be confirmed without modification.**

**3. KEY ISSUES**

**Financial Implications**

- 3.1 The costs of the administrative and technical processes associated with this matter may be met from within existing budgets, and the financial aspects are not a matter for the Planning Committee to consider.

**Legal Implications**

- 3.2 These matters are completed in line with the provisions of the Town & Country Planning Act 1990 (as amended).
- 3.3 The Legal Services Manager has been consulted with regard to the legal implications.

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**Service/Operational Implications**

- 3.4 Tree Preservation Orders (TPO) are made to protect trees (individuals, groups, areas, or entire woodlands) that contribute significantly to their local environment and to its enjoyment by the public. This is known as the public amenity value of trees. When suitable trees/woodlands are identified, and when it is considered expedient to do so, a provisional TPO is made which comes into effect immediately and remains in force for a period of six months. During this time there is a consultation period where interested parties can make representations against or in favour of the TPO.
- 3.5 Following the consultation period a decision must be made to either confirm (*i.e.* make permanent) the TPO or not. If representations are received then the matter is considered by the Planning Committee, and generally if no representations are received then the TPO is confirmed by Officers of the Council under Delegated Powers.
- 3.6 On 20<sup>th</sup> March 2013 a provisional TPO was made on a group of trees on land at 27 Avenue Road, Astwood Bank. This followed information being received which suggested that at least one of the prominent trees within the group may be felled in the near future. As such the trees were visually assessed and it was deemed appropriate to protect the group as a whole by creating a new TPO.
- 3.7 The trees subject to this TPO form a prominent linear group located in the rear garden of 27 Avenue Road, Astwood Bank. They are in a north-south line adjacent to New Road, approximately 12m away from the roadside and separated by the side/rear gardens of neighbouring properties. They are a mixed group of eight trees, identified as G1 in the First Schedule of the Order.
- 3.8 Although situated within a rear garden, the trees are fully visible from public viewpoints nearby, and also act as a notable landscape feature from surrounding roads on all sides. They are predominantly large mature specimens which add greatly to the visual character of the area, being an attractive feature of the established urban street scene. As such they are deemed to have a significant public amenity value, and so a TPO was made to protect the future contribution that the trees will make to public amenity and quality of the local landscape.
- 3.9 Notification of this Order was then served on all persons that could be affected by the making of the TPO, and the consultation period for representations ran until 1<sup>st</sup> May 2013. During this period one objection was received from a neighbouring property to the land on which the trees are located. The temporary Order will remain in force until 20<sup>th</sup> September 2013, or until it is decided whether to make the Order permanent or not, whichever occurs first.

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3.10 The objection comprises the following main points:

- i. The pine trees are in close proximity to the dwelling, they have damaged the fence and dropped branches and needles. They are a safety threat to adjacent residents.
- ii. The TPO was made without first clarifying the circumstances of the situation. The resident only wishes to carry out limited works and there is no threat of premature removal.
- iii. The trees have only limited public amenity value due to their position in a rear garden.
- iv. A permanent TPO would only serve to add unnecessary bureaucracy to normal tree management works.

3.11 The Tree Officer responds as follows:

- i. The pine trees are mature specimens that have grown in relatively close proximity to this property for probably in excess of 100 years, with no lower branches that restrict access and no branches are within touching distance of the house. The damage to the fence is due to it having been constructed immediately adjacent to the tree stem, meaning that the natural movement of the tree will exert pressure against the fence, resulting in this minor damage. The damage is easily repairable and also avoidable by moving the fence line further away, or having a different boundary construction. I am not aware of any significant branches falling from this tree, and it is most likely that they consist of small dead branches due to the tree being in need of routine management to remove deadwood from the canopy. The needle drop issue would also be limited by routine deadwood management, although as with all trees the issue of falling needles/leaves is part of normal household maintenance and not considered a reason to remove mature trees. There is no current evidence to suggest that any of the trees constitute a safety threat to surrounding properties, although they would all benefit from management to remove dead and weak branches. The imposition of a TPO would not stand in the way of any works deemed necessary to address safety concerns, should these be raised at any time.
- ii. This TPO was made following information being received that specifically related to the potential removal of one of the trees, which contradicts the statement in the objection letter that no such intention exists. Once the trees had been assessed and considered worthy of retention we had no choice but to create an

immediate Order as a precaution. This type of scenario is a common occurrence for the making of TPOs, and is necessary to remove any risk of premature removal of significant trees. The consultation period following the making of the Order provides opportunity to clarify the circumstances that exist. I undertook to visit the residents to which this objection relates immediately after the TPO was issued. I advised them that a certain level of works would be appropriate and invited them to submit an application to carry this out, which they appeared satisfied with. I emphasised that the TPO would not prevent the carrying out of an appropriate level of works to address their concerns. The works that I described as being appropriate are the same as was later listed on the supporting letter attached to the objection. Therefore, a permanent TPO would not prevent the resident carrying out the works proposed in the objection letter.

- iii. Please see section 3.7 and 3.8 regarding the description of visual amenity of this group of trees, as although they are rear garden trees, they are clearly visible from various public viewpoints and many local properties. The photo sheet shows their prominence, both as immediate street features and also as a backdrop to the urban landscape. This will be available at the meeting.
- iv. Tree Preservation Orders are designed to be administered with the minimum of imposition on anyone wishing to carry out works to protected trees, and with no extra cost burden to the applicant. TPOs also enable us to offer our advice to an applicant on the type of works that would be appropriate. The purpose of having a TPO in place is not to prevent any tree works, but to ensure that the trees are not prematurely removed or excessively pruned so as to negatively affect the health or amenity value of the tree(s). I feel that a permanent TPO on these valuable trees is an appropriate measure to ensure that they are protected and reasonably managed in the long term.

3.12

- i. Policy implications – none.
- ii. HR implications – none.
- iii. Climate change/biodiversity implications – the long term protection offered by making the TPO permanent would be considered a positive impact on the environment.

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**Customer / Equalities and Diversity Implications**

- 3.13 The customers have been provided with the relevant notification, and will receive a postal notification of the committee decision.
- 3.14 Equalities and Diversity implications – none.

**4. RISK MANAGEMENT**

The risk of not protecting the trees is that in the long term they may be felled or inappropriately pruned such that their significance and contribution to the wider area would be diminished, causing a loss to the amenity of the area.

**5. APPENDICES**

Appendix 1 - Proposed TPO schedule for confirmation.  
Appendix 2 - TPO Plan identifying location of trees  
(under separate cover in the Site Plan Pack).

**6. BACKGROUND PAPERS**

Relevant documentation on file.

**7. Key**

TPO = Tree Preservation Order.

**AUTHOR OF REPORT**

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APPENDIX ONE

First Schedule

Trees specified individually

(encircled in black on the attached map)

NONE

Trees specified by reference to an area

(within a dotted black line on the map)

NONE

Groups of Trees

(within a broken black line on the map)

<u>No. on Map</u>	<u>Description</u>	<u>NGR</u>	<u>Situation</u>
G1	2 x beech 2 x lime 2 x pine 1 x cedar 1 x sycamore	404254, 261977	Rear garden of 27 Avenue Road, Astwood Bank B96 6AQ

Woodlands

(within a continuous black line on the map)

NONE