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## PLANNING COMMITTEE

13<sup>th</sup> February 2014

### REPORT OF THE HEAD OF REGENERATION - DEVELOPMENT AND DELIVERY

#### **CONFIRMATION OF TREE PRESERVATION ORDER 7 OF 2013 AT ST. JOHN'S METHODIST CHURCH, VICTORIA AVENUE, BLOXWICH WS3 3HS.**

1. **PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order 7 of 2013.

2. **RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order 7 of 2013 in an unmodified form. A plan showing the Tree Preservation Order and a schedule of the trees is attached to this report.
- (ii) Support the reason for making the Tree Preservation Order set out in the report detail, paragraph 10.
- (iii) Note that one representation has been received in respect of the making of this Tree Preservation Order.

3. **FINANCIAL IMPLICATIONS**

Within budget, in general, new Tree Preservation Orders generate additional applications for consent and increase officers' workload.

4. **POLICY IMPLICATIONS**

Within Council policy – YES

5. **LEGAL IMPLICATIONS**

The owners and future owners of this site will be required to apply for Council permission if they wish to fell or prune any tree protected by the Tree Preservation Order. Failure to do this renders anyone carrying out unauthorised works to trees liable to criminal proceedings.

6. **EQUAL OPPORTUNITY IMPLICATIONS**

Not applicable.

**7. ENVIRONMENTAL IMPACT**

The management of Walsall's tree cover through the administration of the Tree Preservation Order system has positive implications in protecting trees for their visual and environmental benefits. Removal of protected trees is often necessary because trees have a finite lifespan and may also cause nuisance or damage. In these instances the Council has to decide whether the removal of protected trees is justified. In the event that felling a tree is permitted, the Council can secure replacement planting to maintain tree cover.

**8. WARD(S) AFFECTED**

The Tree Preservation Order 7 of 2013 is located within the Bloxwich East Ward.

**9. CONSULTEES**

Owners and near neighbours were sent copies of the Tree Preservation Order and invited to make representations to the Council in either opposition or support of this Tree Preservation Order. Any response is described within the report.

**REPORT DETAIL**

10. The Tree Preservation Order 7 of 2013 was made on 5<sup>th</sup> September 2013 following the submission of a Conservation Area Notice to fell the trees. The trees are visually prominent and are protected for the following reasons:

- *The trees form a prominent landscape feature in the local area and will continue to contribute to landscape quality in the future.*
- *The trees add to the amenity and visual diversity of the immediate area.*
- *The trees are proposed for removal under a Conservation Area Notification (13/1094/TR).*
- *The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces.*

11. The minimum six week period allowed for objection to the Order expired on 17<sup>th</sup> October 2013. One letter of representation has been received from the Church Secretary. She makes comments as follows:

- The trees obliterate all natural light from the Church.
- The roots are creeping towards the foundations and have already raised the surrounding brickwork.
- The protruding roots play havoc with the grassed area.
- At the time of planting the trees provided a pleasant feature but have since grown, so we must act diligently to protect our property.
- The Church building is attractive and pleasant in the surroundings. We constantly worry that the foundations will be weakened.
- An inspection in 2011 noted that the roots have extended towards the front wall of the Church and should be monitored.

- Recent press coverage of tree failures reminds us of the vulnerability of tall swaying trees.

12. Officers' responses to these comments are as follows;

- The Conservation Area Notice advised the Council that 4 trees on the Victoria Avenue frontage were to be removed. Two of the trees (one Cherry and one Rowan situated closest to the entrance) were considered to be in a poor condition and not worthy of inclusion in a Tree Preservation Order (TPO). However, the two trees furthest away from the entrance (to the left hand side of the parking access) were noted as being of good shape, form and condition and of high amenity value. They were assessed in accordance with a recognised amenity evaluation procedure and found to be worthy of inclusion in a TPO. Hence TPO 7 of 2013 was made in line with standard Council procedure.
- Subsequent to the TPO being made, the Church secretary contacted the Council and spoke with the Tree Officer who made the TPO. She enquired as to why the TPO was made and highlighted her concerns re the foundations. The Tree Officer discussed the issues with Mrs. Simpson and advised that, in his opinion, it was unlikely that the trees would cause direct damage to the foundations of the church as trees cannot exert sufficient pressure on heavy structures to move them.
- An extract from a survey of the site accompanied that objection. In paragraph C.25.5 it simply states there are 6 trees to the front of the building and that roots from 4 of them have extended towards the front wall of the church. It also states that the situation be carefully monitored. The size and proximity of the trees indicates that it is highly likely that the roots of the trees have extended towards the building although this is not of concern. It is unlikely that the roots could cause direct damage to the building due to its inability to move such a significant weight. In addition, no evidence was noted on site that the building was suffering from subsidence. This is supported by the fact that there are no records of highly shrinkable soils in the area.
- The trees are situated on the south side of the Church and it is agreed that they cast shade onto the southern facing elevation which forms part of the nave. There are 4 windows in this elevation, two of which are located on narrow west facing sections, the other two face south. It must be noted that all 4 windows are approximately the same dimensions being approximately 1m in width and the full height of the building. However, the shading that the trees cast is not considered excessive, particularly as approval has been granted for the removal of two other trees on this side of the building.
- It is noted that there were also areas where the block paving around the edge of the building appeared to be lifted but this does not appear consistent with direct or indirect damage from tree roots.

- The retention of the trees may cause future expense to the church in the form of minor pruning although this is not considered unreasonable in the interest of retaining important trees. A visual inspection by the Councils Tree Officer found no evidence that the trees were causing immediate or imminent damage and there was no indication that future damage was likely.
  - The trees are prominent in the locality and visually important in the immediate locality and the wider townscape. Bloxwich High Street is located approximately 150m to the west, where there is little evidence of significant tree cover. There are very few prominent trees in this section of Victoria Avenue and these trees add natural amenity value in an area lacking in tree cover.
13. Assessment by officers showed that the trees fulfilled all the criteria required under the Tree Preservation Regulations and that the trees' inclusion in a TPO was justified. The owner has the right to submit an application to undertake works to the trees, the merits of which will be considered by the council. If the Tree Preservation Order is not confirmed, the tree owner would be able to remove the tree with no duty to replace it. The removal of the tree, with no suitable replacement will be detrimental to the amenity, aesthetic and landscape value of the area. The Committee is therefore recommended to confirm Tree Preservation Order No 7 of 2013 in an unmodified form so that future works to these important trees can be regulated.
16. **CONTACT OFFICER**
- Cameron Gibson - Extension: 4741.
17. **BACKGROUND PAPERS**
- File PD1/17/952 relating to Tree Preservation Order 7 of 2013.

**Simon Tranter,**  
HEAD OF DEVELOPMENT AND DELIVERY

## SCHEDULE

### TPO 7 of 2013 SPECIFICATION OF TREES

#### **Trees specified individually** (encircled in black on the map)

Reference on map	Description	Situation
T1	Copper Beech	On the Victoria Avenue frontage, approximately mid way down the nave section.
T2	Norway Maple	On the Victoria Avenue frontage, towards the south east corner.

#### **Trees specified by reference to an area** (within a dotted black line on the map)

Reference on map	Description	Situation
None		

#### **Groups of trees** (within a broken black line on the map)

Reference on map	Description	Situation
None		

#### **Woodlands** (within a continuous black line on the map)

Reference on map	Description	Situation
None		

**TPO 7 of 2013**

**St. John's Methodist Church, Victoria Avenue, Bloxwich WS3 3HS.**

