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DEVELOPMENT CONTROL COMMITTEE: –

07 October 2008

REPORT OF THE HEAD OF REGENERATION – DEVELOPMENT AND DELIVERY.

**CONFIRMATION OF TREE PRESERVATION ORDER 2 OF 2008 ON LAND AT CHURCHILL ROAD AND WESTERN AVENUE, WILLENHALL.**

**1. PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order No 2 of 2008.

**2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 2 of 2008 in an unmodified form. A plan showing the Tree Preservation Order is attached to this report.
- (ii) Support the reason for making the Tree Preservation Order set out in the report detail, paragraph 1.1.
- (iii) Note that one representation has been received in respect 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 2 of 2008 is located within the Willenhall South 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.

10. **CONTACT OFFICER**

Andrew Cook - Extension: 2447

11. **BACKGROUND PAPERS**

File PD1/17/828 relating to Tree Preservation Order No 2 of 2008.

**Simon Tranter,**  
HEAD OF REGENERATION – DEVELOPMENT AND DELIVERY.

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07 October 2008

### CONFIRMATION OF TREE PRESERVATION ORDER 2 OF 2008 ON LAND AT CHURCHILL ROAD AND WESTERN AVENUE, WILLENHALL.

#### 1.0 **REPORT DETAIL.**

1.1 The Tree Preservation Order No 2 of 2008 was made on 12 February 2008. The trees were protected for the following reasons:

- The trees form a prominent landscape feature in the local area and will continue to provide an important item of landscape quality in the future.
- The trees add to the amenity and diversity of the immediate area.
- The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces.
- The trees are at risk from planning application 08/0079/FL and making an emergency Tree Preservation Order will discourage the premature removal of important trees and ensure that care is taken during and after the construction of the proposed development.

1.2 The minimum six week period allowed for objection to the Order expired on 25 March 2008. One response has been received by letter from 10, Western Avenue in objection to the order for the following reason;

- It was noted that six mature trees in apparently good condition have been omitted from the Tree Preservation Order. These trees form a soft landscape barrier between Western Avenue and the proposed development and there is concern whether the trees will be removed or retained.

The Council's response to this objection is as follows:

- After careful consideration the council chose to omit these six trees from the Tree Preservation Order to allow a degree of flexibility for the design of the new development.
- Should the development necessitate the removal of some or all of the six trees not protected by the Tree Preservation Order then replacement planting would be a requirement of an approved planning application.

1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 2 of 2008 in unmodified form.



TPO 2 of 2008, Land at Churchill Road & Western Ave, Willenhall, Walsall.



Not to Scale      Date 07 February 2008      Centre 397929E 298887N      Dougald Purce

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