



Walsall Metropolitan Borough Council

DEVELOPMENT CONTROL COMMITTEE: –

15th February 2005

REPORT OF ASSISTANT DIRECTOR FOR URBAN REGENERATION

SERVING OF TREE PRESERVATION ORDER 8 OF 2004 AT 142-144 WHETSTONE LANE, ALDRIDGE.

1. PURPOSE OF REPORT

To seek permission from this Committee for the serving of the Tree Preservation Order No.8 of 2004.

- 1.2 For the following reasons; To preserve trees which may be subject to removal for infill development.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Serve the Walsall Tree Preservation Order No 11 of 2004 in 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 paragraph 1.2.

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 08 of 2004 is located within Aldridge.

9. **CONTACT OFFICER**

Gordon Dewdney - Extension: 2447

10. **BACKGROUND PAPERS**

None

11. **CONSULTATIONS**

Owners and near neighbours were sent copies of the Tree Preservation Order and invited to make representations to the Council in both opposition and support of this Tree Preservation Order. Responses are described within the report.

Tim Johnson,

ASSISTANT DIRECTOR FOR URBAN REGENERATION

DEVELOPMENT CONTROL COMMITTEE: –

15th February 2004

CONFIRMATION OF TREE PRESERVATION ORDER 8 OF 2004 ON 142 – 144 WHETSONE LANE, ALDRIDGE

1.0 **REPORT DETAIL.**

1.1 At the meeting of Development Control Committee on 27th January 2004 planning application 03/0240/FL/E for infill development at the rear of these two properties was refused because the planned structure was too imposing. The applicants took this decision to appeal (APP/V4630/A/04/1139681) which was dismissed by the Secretary of State on 7th September 2004. The Planning Inspector ruled that *“The mass and bulk of the new dwelling, sited at a higher level than much of the adjacent property, No. 140, and others lower down the slope to the north, would be an imposing and dominant feature...”* With reference to the trees on the site it was said *“Planning conditions to minimise damage and disturbance to those trees in very close proximity to both dwelling and access drive were discussed during the site visit. I have no reason to doubt that such conditions would be effective. However, in my experience trees and dwellings in such close proximity often cause problems such as overshadowing and safety concerns for future occupiers, leading to pressure for extensive pruning or removal.....”*

1.2 Officers were concerned that the trees on the site would be felled in order to remove some of the grounds for objection and a new application submitted.

1.3 The Tree Preservation Order No 8 of 2004 was made on 28/10/2004. The reason given for the making of the Tree Preservation Order was as follows:

‘The trees included in the Tree Preservation Order are visually prominent specimens which contribute to the visual amenity of the neighbourhood and provide environmental benefits’.

2.0 **Representations**

2.1 The minimum six week period allowed for objection to the Order expired on 07/12/2004.

- 2.2 One letter has been received from the owner of the trees stating that while they have no objection to this TPO as there was no intention of removing the trees, they feel persecuted by the manner in which the TPO was imposed directly after the planning appeal. The writer also states that they are not sure the state of health of the ash tree warrants protection under a TPO. My response to this would be that the TPO is justified to ensure the protection of these trees as their removal would be one less obstacle to this development.
- 2.21 The ash was deemed at the time of inspection to be in a reasonable state of health to merit protection.
- 2.3 A letter from an adjacent neighbour in support of this TPO on environmental and aesthetic grounds has also been received.
- 3.0 The Committee is therefore recommended to confirm Tree Preservation Order No 8 of 2004 in unmodified form.