



DEVELOPMENT CONTROL COMMITTEE: –

21 May 2009

REPORT OF THE HEAD OF DEVELOPMENT AND DELIVERY

**CONFIRMATION OF TREE PRESERVATION ORDER 2 OF 2009 ON LAND
AT MELLISH PARK, MELLISH ROAD, WALSALL, WS4 2EB.**

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order 2 of 2009.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order 2 of 2009 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 no representations have 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 2009 is located within the St. Matthews 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 PD1/17/879 relating to Tree Preservation Order 2 of 2009.

Simon Tranter,
HEAD OF DEVELOPMENT AND DELIVERY

DEVELOPMENT CONTROL COMMITTEE: –

21 May 2009

CONFIRMATION OF TREE PRESERVATION ORDER 2 OF 2009 ON LAND AT MELLISH PARK, MELLISH ROAD, WALSALL, WS4 2EB.

1.0 REPORT DETAIL.

- 1.1 The Tree Preservation Order 2 of 2009 was made on 22 January 2009. The trees are visually prominent in the street scene and 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 and will continue to provide an important item of landscape quality in the future.
 - The trees were retained as part of planning consent 04/1721/FL/H1 which was for the demolition of the existing nursing home and the erection of 25 apartments, this consent has only recently been implemented and occupied. An application has since been received from the developer (08/1972/TR) for inappropriate pruning works to one mature Lime tree at the rear of the property. However, when the application was checked it became apparent that the tree was not protected by a Tree Preservation Order. As the Lime tree is a significant specimen with a high amenity value it was considered expedient to place a Tree Preservation Order on the tree and to also include an additional Ash tree and Sycamore tree to safeguard them against possible inappropriate pruning or removal. The council then arranged a site meeting with the applicant to discuss more appropriate works that would maintain the amenity value and long term health of the Lime tree. As a result of the meeting the applicant was satisfied with the recommendations made by the council and the original application for works was amended by the applicant to propose more appropriate works to the Lime tree and to include minor pruning works to the Ash and Sycamore tree.
 - The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces
- 1.2 The minimum six week period allowed for objection to the Order expired on 5 March 2009. No representations have been received,
- 1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 2 of 2009 in an unmodified form.



TPO 2 of 2009 land at Mellish Park, Mellish Road, Walsall, WS4 2EB

