



Walsall Metropolitan Borough Council

DEVELOPMENT CONTROL COMMITTEE: –

10th January 2006.

REPORT OF THE DIRECTOR FOR URBAN REGENERATION

CONFIRMATION OF TREE PRESERVATION ORDER 18 OF 2005 ON 219 LICHFIELD ROAD, RUSHALL, WALSALL.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order No 18 OF 2005.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 18 OF 2005 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.
- (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

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 18 of 2005 is located within the Rushall Ward.

9. **CONSULTEES**

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. Any response is described within the report.

10. **CONTACT OFFICER**

Ian McDermott - Extension: 2449

11. **BACKGROUND PAPERS**

File PD1/17/694 relating to Tree Preservation Order No 18 of 2005.

Tim Johnson,
DIRECTOR FOR URBAN REGENERATION

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1.0 **REPORT DETAIL.**

- 1.1 The trees, the subject of this Order, are situated in the rear garden of 219 Lichfield Road, Rushall, Walsall. The council received a planning application (Ref;05/0886/FL/E5) which marked many of the trees for felling to make way for an access Road. The trees have been planted to improve the environment of the area by previous occupiers of the property.
- 1.2 The Tree Preservation Order No 18 of 2005 was made on 28th July 2005. The reason given for the making of the Tree Preservation Order was as follows:
 - *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 trees and green spaces*
- 1.3 The minimum six week period allowed for objection to the Order expired on 8th September 2005. One response has been received from the owner of the property and this is attached as an appendix to this report for the reason of informing the Development Control fully of the issues raised.
- 1.4 The Councils response to the issues raised are as follows;
 - *The planning application referred to was refused by this Committee on the 1st December 2004.*
 - *A subsequent appeal was lodged against this decision which was dismissed by the Inspector on the 21st July 2005.*
 - *At that point in time there had been further interest registered by way of Pre-Application enquiry for a revised scheme.*
 - *It was felt that with the dismissal of the appeal there was nothing preventing an authorised person from felling all the trees that posed a development restriction on the site and the TPO was made.*
 - *Lt. Col. Hryhoruk the author of the objection letter was the owner of the property at the time of the lodging of the application and is still the owner.*
 - *It is stated in the objection that the trees cannot be seen from a public place. The trees can indeed be seen from the Lichfield Road, but as the trees are*

still relatively young the street scene impact will increase markedly as they mature. The trees are clearly visible from the adjacent properties and it is considered that the reasons stated for the making of the TPO are robust.

- *Lt. Col. Hryhoruk has in personal communication with the Tree Officer stated that he wishes to “trim” the trees. This TPO will in no way hinder the proper management of these trees and will ensure that any application for such trimming is in accordance with accepted Arboricultural standards.*

1.4 The Committee is therefore recommended to confirm Tree Preservation Order No 18 of 2005 in unmodified form.

