



PLANNING COMMITTEE

07 JANUARY 2016

REPORT OF THE HEAD OF REGENERATION - DEVELOPMENT AND DELIVERY

CONFIRMATION OF TREE PRESERVATION ORDER 8 OF 2015 AT 38 CALSTOCK ROAD, WILLENHALL WV12 4TJ.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order 8 of 2015.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order 8 of 2015 in an unmodified form. A copy of the plan and schedule are 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 response to 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 8 of 2015 is located within the Short Heath Ward.

9. CONSULTEEES

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 8 of 2015 was made using the Head of Service's emergency delegated powers on 27th August 2015 following the submission of a planning application (15/0953/FULL) for a single storey side and rear extension. The subsequent Tree Preservation Order protects two Swedish Whitebeam trees for the following reasons;
 - The trees are a prominent 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 site has recently been the subject of a planning application for a single storey side and rear extension (15/0953/FL). The construction of the extension is likely to sever a significant amount of root material from both trees, leading to premature decline, death and removal. This will be detrimental to the amenity, aesthetic and landscape value of the area.
 - The planning application was amended to avoid damage to the trees and was granted permission on 25 September 2015.
11. The minimum six week period allowed for objection to the Order expired on 9th October 2015. One letter objecting to the Order has been received from the owners of the trees. The objection received makes the following comments;
 - The Tree Preservation Order (TPO) will diminish the value of my property.
 - The trees conceal my property and allows people to climb over the wall into the rear garden.

- The trees allow animals to access our roof and attic space, particularly squirrels.
- The trees pose risks as branches fall from them damaging cars that use the street. Children also play with such items (fallen branches?) in an aggressive manner and are at risk of falling out the trees when they climb them.
- It is now our responsibility to trim the trees which is costly, which we cannot meet over and over again and the trees are not a priority.
- T2 has surface roots which cause cracks in the pavement and push against the boundary wall.
- The extension is to increase the space for the family.
- I have no objections to the trees being replanted at the bottom of my garden.
- The trees prevent sunlight from accessing the property for almost half the day, causing damp issues.
- I am a law abiding citizen and could have cut the trees down without permission but wanted to seek permission first.
- The TPO is ineffective and unnecessary and the Council has acted disproportionately. Discussions should have taken place without the need for the TPO.

12. The officers' response to the representations is as follows;

- The alleged and unsubstantiated reduction in property value caused by the service of the TPO is not a factor the council can consider in the decision to confirm a TPO. However, there is documented research that indicates that trees, depending on species, maturity, quantity and location can add between 5% and 15% to the value of a property when compared to properties without trees. No evidence has been provided by the owners to support their claim.
- The trees are located at the northern end of Calstock Road, in close proximity to where the road turns east into a small cul-de-sac. They are two of only three trees in the immediate locality and are considered high quality components of a neighbourhood with relatively few trees in the landscape. They can be seen by many individual properties, as well a high number of highway users and the many people who pass by the trees on their way to the open space to the north.
- The crowns of the trees are visibly level with the top of the boundary to the property. Whilst it is recognised that this may provide some cover for potential thieves, minor lower branch pruning could be undertaken that would increase visibility and reduce this risk.

- It is agreed animals, particularly squirrels, entering the roof space of a property is to be avoided. However, pruning of the branches adjacent, and in close proximity, to the building will eliminate this risk without removing the trees entirely.
- The trees have been inspected by one of the Council Tree Officers as part of the TPO making process to ensure there were no foreseeable issues that would result in an unreasonable obligation on the tree owner to undertake necessary pruning operations on the trees on a regular basis. All trees will have a certain amount of dead branches, which is a natural part in the life cycle of a tree. The removal of deadwood is exempt from the need to obtain planning permission and should only need to be undertaken every 5 years or so. This is not considered unreasonable and is considered a normal part of tree maintenance.
- It is a common misconception that trees need trimming to maintain them. Some trimming operations stimulate regrowth that can be profuse in many instances. This regrowth is not securely attached to the parent branch, and is at risk of failure in the short term as it increases in length and weight. In general, tree owners are advised to seek the advice of a person who is competent in inspecting trees and advising on appropriate works, if necessary. In addition to this, the Council provides a free pre-application advice service to advise owners of protected trees what work is appropriate and would be considered acceptable, subject to an application. In the case of T1 and T2, it is recognised that some minor trimming work may be appropriate and relatively inexpensive.
- It is recognised that there appears to be damage to the tarmac footpath which is consistent with tree root damage. However, this is a common scenario where trees grow in close proximity to footpaths and one that is inevitable if we are to enjoy trees in residential areas. Tarmac is a fairly flexible surface that is easily repaired.

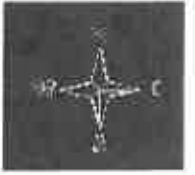
It is likely that the roots of the trees will be growing in close proximity to the boundary wall. Tree roots will only grow where it is favourable to grow and if they encounter any restrictions (e.g. large stones, bricks, concrete foundations etc), they simply change direction. It is inaccurate to state that the roots of a tree will cause damage to a boundary wall based on its proximity. The wall shows no sign of damage at present and it is not reasonably foreseeable that the roots will cause damage to the wall in the future.

- The original extension under planning application 15/0953/FULL was to be built up to the boundary wall adjacent to the trees. The section immediately adjacent to the trees consisted of a study, a storage area and toilet/shower room. However, it was considered likely that the construction of the extension would result in the premature decline, death and removal of trees that make a significant contribution to the amenity value of the area. As a result of the Council Tree Officer's objection to the application on these grounds, an amended plan was submitted which reduced the size of the extension. The amended extension will have little impact on the long-term health, condition and retention of the trees and was considered

acceptable. As a result, planning application 15/0953/FULL was granted consent on 25 September 2015.

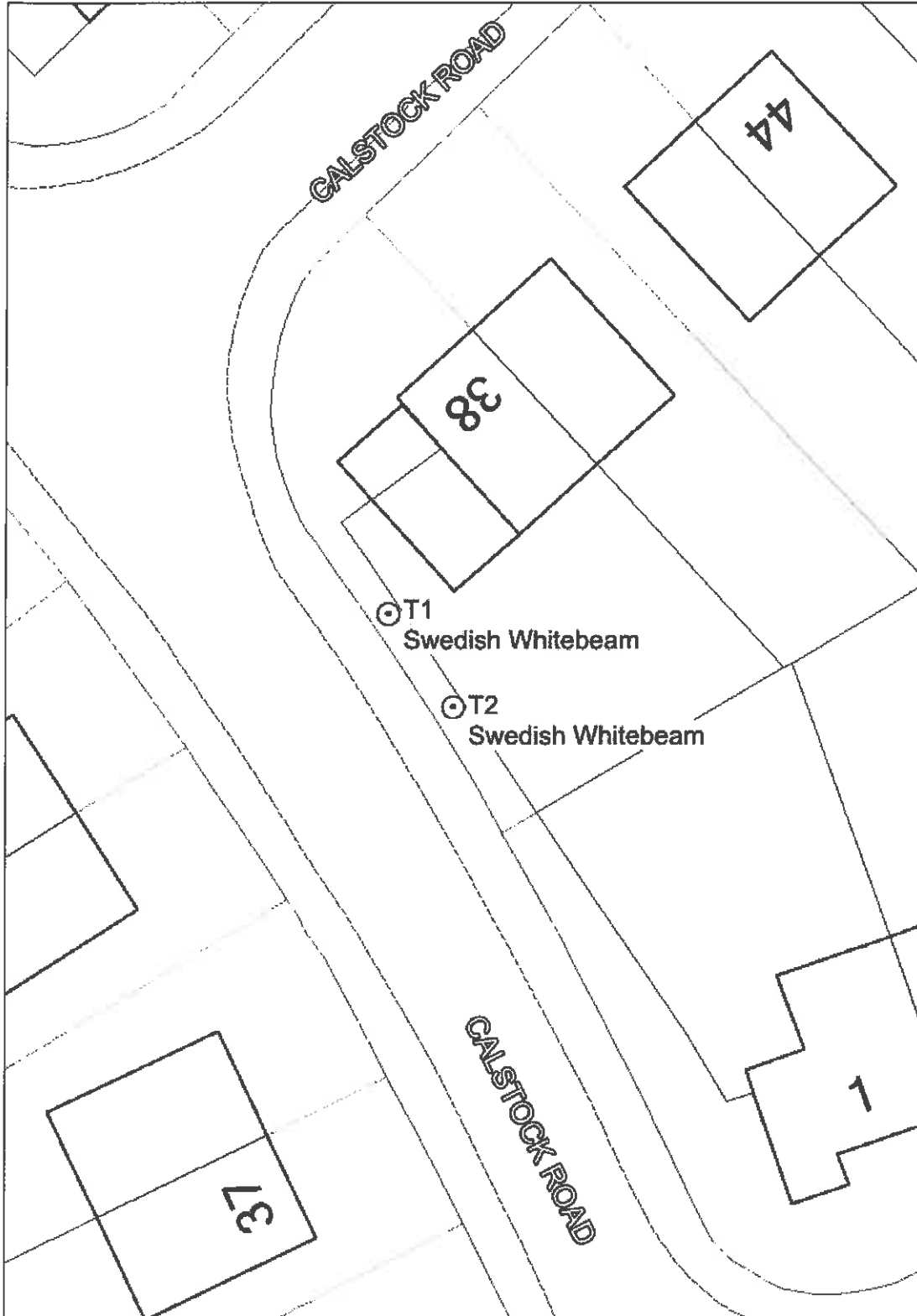
- The Tree Preservation Order aims to retain trees that are considered to have sufficient public amenity value and longevity. Any proposed works to protected trees must first be formally approved by the Local Planning Authority (Walsall Council) through the normal application process. To date, no application has been made nor has any pre-application advice been sought to establish the level of work the Council considers acceptable. Minor lower branch removal, pruning back from the property and thinning of the crown would all, in general, be acceptable subject to agreed amounts and would mitigate some of the concerns of the property owners.
13. Officers have taken account of the representation received. It is considered that the points raised do not outweigh the benefits that the trees bring to the locality. The Planning Committee is therefore recommended to confirm Tree Preservation Order No 8 of 2015 in an unmodified form.
14. **CONTACT OFFICER**
- Cameron Gibson - Extension: 4741.
15. **BACKGROUND PAPERS**
- File PD1/17/975 relating to Tree Preservation Order 8 of 2015.

Simon Tranter,
HEAD OF DEVELOPMENT AND DELIVERY



TPO 8 of 2015

38 Calstock Road, Willenhall WV12 4TJ



Not to Scale

Date 27 August 2015

Cameron Gibson

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SCHEDULE

TPO 8 of 2015 SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Swedish Whitebeam	To the side of the property on the grass verge between the boundary wall and the public footpath.
T2	Swedish Whitebeam	To the side of the property on the grass verge between the boundary wall and the public footpath.

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		