



PLANNING COMMITTEE

05 November 2015

REPORT OF THE HEAD OF REGENERATION - DEVELOPMENT AND DELIVERY

CONFIRMATION OF TREE PRESERVATION ORDER 2 OF 2015 ON LAND AT 95 CHASE ROAD, BROWNHILLS, WALSALL, WS8 6JE.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order 2 of 2015.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order 2 of 2015. A plan of the Tree Preservation Order and a schedule of the trees 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 2 of 2015 is located within the Brownhills 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 2 of 2015 was made using the Head of Service's emergency delegated powers on 14 May 2015 following the submission of a planning application 15/0325/FL for two four bedroom detached houses, extensions to the existing house and two detached garages. The subsequent Tree Preservation Order protected one significant mature Lime tree on site for the following reasons;
- The tree forms a prominent landscape feature in the local area and will continue to contribute to landscape quality in the future.
 - The tree adds to the amenity and visual diversity of the immediate area.
 - At the time of the making of the Tree Preservation Order the site was the subject of planning application 15/0325/FL for two four bedroom detached houses, extensions to the existing house and two detached garages. The proposals would be detrimental to the Lime tree. Consequently officers considered it prudent to protect it to prevent inappropriate construction works being undertaken in close proximity which would likely result in its premature decline and removal. The application was subsequently withdrawn because further information was required from the applicant on a range of subject areas. A resubmission of the planning application is expected but has not yet been received.
11. The minimum six week period allowed for objection to the Order expired on 25 June 2015. One letter objecting to the Order has been received from a neighbouring property at 55, Chase Road, WS8 6JE. The objection received makes the following comments;

- The tree is too big and poses a danger to the property due to possible damage to the foundations by the roots.
- Fears that the tree could be uprooted in strong winds causing damage to the property and vehicles.
- Some of the larger branches are close to overhanging the property boundary.

No objections have been received by the owner of the tree.

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

- Trees are not necessarily dangerous because of their size and proximity to buildings. The Lime tree is approximately 16.0m in height with a crown spread of approximately 10.0m and the main stem is approximately 9.0m away from the objector's house. The size of the tree is typical of this species at maturity and following an inspection by Council officers it is considered to be in good condition. It is unlikely to grow significantly larger.
- No evidence of root damage was observed by the council tree officer or presented by the objector. In the unlikely event that foundation damage occurs in the future and the tree is proved to be responsible for such damage, then officers are unlikely to object to any applications for works to the tree allowing permanent repairs to be made.
- Concerns about the tree being uprooted in high winds are appreciated. Whilst there is never a guarantee that a tree will not fall in strong winds, this tree is in good condition and not considered to be at risk. If every tree within falling distance of a building was removed, the borough would lose many of its mature trees.
- The existence of the Tree Preservation Order does not prevent good arboricultural management and should any branches extend over the boundary line the Council would consider any application for works to reduce them back to the boundary.

13. Officers have taken account of the representation received; however, it is considered that the comments received do not justify abandoning the Tree Preservation Order. The Planning Committee is therefore recommended to confirm Tree Preservation Order No 2 of 2015.

14. **CONTACT OFFICER**

Andrew Cook - Extension: 4740.

15. **BACKGROUND PAPERS**

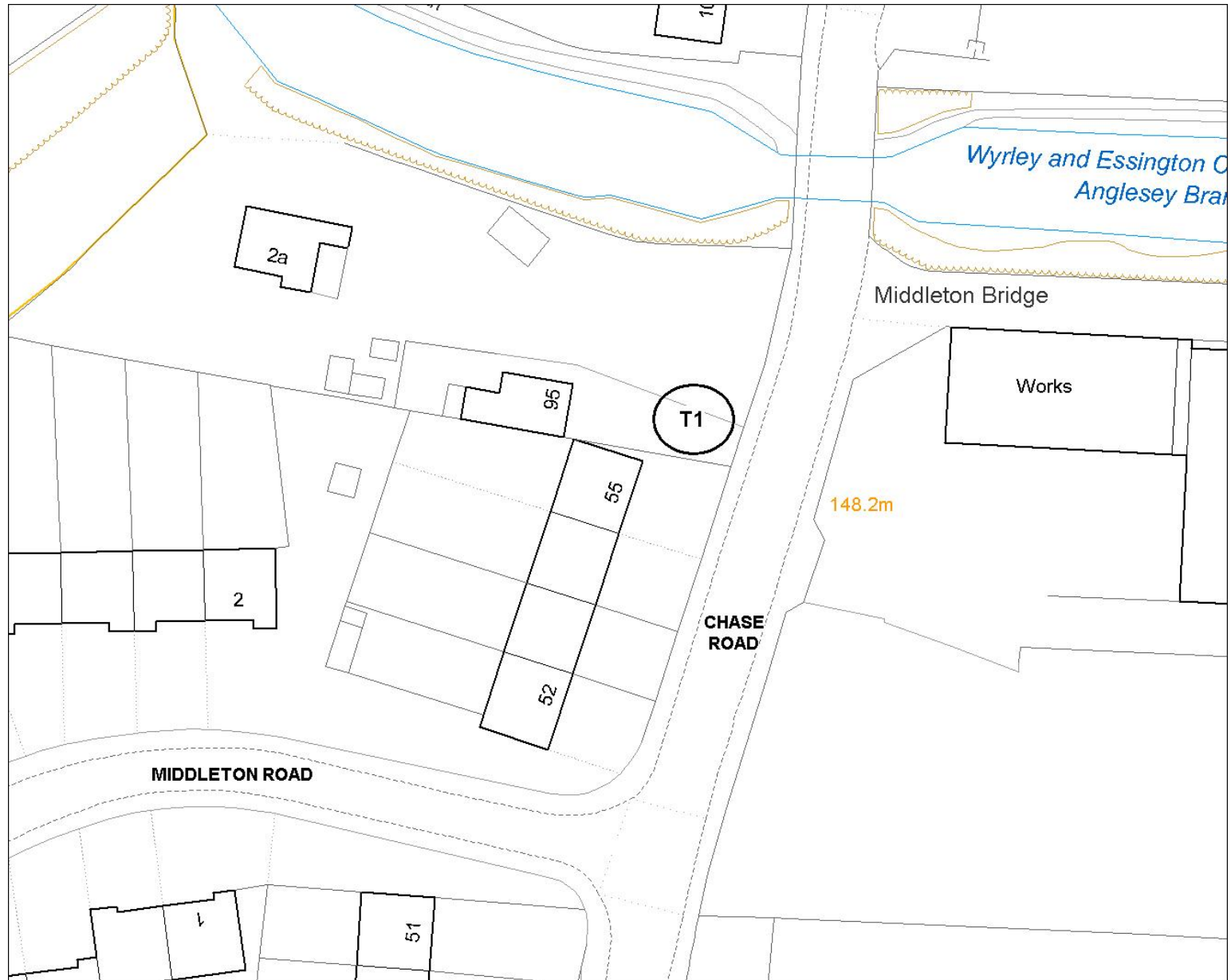
File PD1/17/969 relating to Tree Preservation Order 2 of 2015.

Simon Tranter,
HEAD OF DEVELOPMENT AND DELIVERY



TPO 2 of 2015

Land at 95 Chase Road, Brownhills, Walsall, WS8 6JE.



Not to Scale Date 11 May 2015 Andrew Cook

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SCHEDULE

TPO 2 of 2015 SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	Lime	At the front of 95 Chase Road, Brownhills, Walsall, WS8 6JE

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		