



DEVELOPMENT CONTROL COMMITTEE: –

23rd March 2009

REPORT OF THE HEAD OF REGENERATION – DEVELOPMENT AND DELIVERY

CONFIRMATION OF TREE PRESERVATION ORDER 23 OF 2008 ON WILLENHALL HEALTH CENTRE, FIELD STREET, WILLENHALL WALSALL, WV13 2NZ.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order No 23 of 2008.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 23 of 2008 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 23 of 2008 is located within the Willenhall South 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**

Cameron Gibson - Extension: 2453

11. **BACKGROUND PAPERS**

File PD1/17/849 relating to Tree Preservation Order No 23 of 2008.

Simon Tranter,
HEAD OF REGENERATION – DEVELOPMENT AND DELIVERY

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1.0 **REPORT DETAIL.**

- 1.1 The Tree Preservation Order No 23 of 2008 was made on 13TH November 2008. 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.
 - The trees are at risk of felling and making an emergency Tree Preservation Order will discourage the premature removal of an important tree.
 - The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces.
 - The original TPO (39/2006) was found to contain several anomalies which may have compromised the legal effectiveness of the TPO.
 - Pre-application enquiries have been made as to the redevelopment of the site and it would be prudent to update the TPO to exclude those trees not worthy of formal protection and ensure the correct details are recorded.
- 1.2 The minimum six week period allowed for objection to the Order expired on 1st January 2009. No responses have been received.
- 1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 23 of 2008 in unmodified form.