



DEVELOPMENT CONTROL COMMITTEE: –

11 March 2008

REPORT OF THE HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

CONFIRMATION OF TREE PRESERVATION ORDER 37 OF 2007 ON LAND BETWEEN 41 AND 46 PEAR TREE LANE, BROWNHILLS, WS8 7NF.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order No 37 of 2007.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 37 of 2007 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 one representation has 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 37 of 2007 is located within Brownhills 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 PD1/17/805 relating to Tree Preservation Order No 37 of 2007.

Steve Lewis
HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

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1.0 **REPORT DETAIL.**

1.1 The Tree Preservation Order No 37 of 2007 was made on 21 September 2007. The tree is visually prominent in the street scene and was protected 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.
 - The tree is at risk from over pruning by the owner and making an emergency Tree Preservation Order will discourage the damaging pruning of important trees.
 - The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces
- The minimum six week period allowed for objection to the Order expired on 27 November 2007. One response has been received. Supportive responses have been received from the owner of 41 Pear Tree Lane who objects to the Tree Preservation Order on the following grounds:
- 90% of the mess from the tree falls in their garden
 - When the leaves are on the tree we get a sticky glue all over our windows, the car and driveway
 - We get bird droppings all over the top of our driveway, which is very not pleasant or hygienic
 - There is a large amount of leaves during the autumn
 - During strong winds, there are big twigs dropping off onto car and we are worried about the proximity to the building
 - We would like the tree pruned back to make it safe and to stop the mess.

The Council's response to this objection is as follows:

- Council Officers feel that the tree is safe and has sufficient amenity value to justify the Tree Preservation Order
- The Preservation Order will not affect any future application to carry out tree works to maintain the tree in line with good arboricultural practice
- The wildlife that is attracted to the tree and the leaf fall in autumn are inevitable results of having trees in residential areas and officers do not believe that these problems outweigh the need to protect the tree for its amenity value.

1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 37 of 2007 in an unmodified form.

