



PLANNING COMMITTEE: –

11th November 2010

REPORT OF THE HEAD OF REGENERATION – DEVELOPMENT AND DELIVERY

CONFIRMATION OF TREE PRESERVATION ORDER 17 OF 2010 AT 9 LONGWOOD RISE, WILLENHALL WV12 4AZ.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order No 17 of 2010.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 17 of 2010 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 10.
- (iii) Note that one representation 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 17 of 2010 is located within Short Heath 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. **REPORT DETAIL**

10.1 The Tree Preservation Order No 17 of 2010 was made on 16th June 2010. The trees are visually prominent in the locality and were protected for the following reasons:

- The trees form a prominent landscape 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 trees were at risk of removal through proposed development of a bungalow adjacent to 9 Longwood Rise (application reference 10/0381/FL). This application has since been refused, with the applicant having until mid December to lodge an Appeal.
- The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces.

10.2 The minimum six week period allowed for objections to the Order expired on 28th July 2010. One representation was received from Mr. Nigel Smith, the son of the current property owner, who objects to the TPO for the following reasons;

- There is already adequate screening from the trees on the other side of the cemetery fence.

- The trees are not at risk of removal through development because the application has been refused, and this will not be appealed.
- The proposed development was refused on two grounds, one being the TPO. It does not seem fair or reasonable that the Council seek to justify the TPO and the Refusal of Planning by reference to each other, before the procedure in each case has been completed.

10.3 The Officers response to the above comments is as follows (in bullet point order):

- The trees in both the cemetery and the Tree Preservation Order contribute to a prominent tree belt which enhance the neighbourhood. If the trees in the Tree Preservation Order were removed, a one-sided lime tree within the cemetery with no branches on the side facing Longwood Rise would be visible from Longwood Rise. I do not therefore agree with the representation that the Tree Preservation Order is unnecessary in protecting trees which could be removed with little detriment to the amenity of the neighbourhood.
- The objection to the Tree Preservation Order also states that the Tree Preservation Order is unnecessary because the trees are under no threat because the planning application that would result in the loss of the trees has been refused and no appeal will be made. The planning applicant has until mid December to make an appeal against the refusal of planning permission. If this Tree Preservation Order is not confirmed the trees could legally be removed and one of the refusal reasons effectively removed possibly leading to a planning appeal against the remaining refusal reason or a new planning application. It seems prudent to retain the Tree Preservation Order to prevent the removal of visually prominent trees.
- Finally, the objection to the Tree Preservation Order feels it unfair for the Council to justify the refusal of the planning application with reference to the newly made Tree Preservation Order. Tree Preservation Orders have long been used by the council to discourage the removal of important trees until a planning application can be properly considered. A Tree Preservation Order is the only appropriate tool to protect the visual amenity of prominent trees to prevent their premature removal. Without a Tree Preservation Order, the trees could have legally been removed at any time.

In conclusion, the trees are important visually and the Tree Preservation Order still has a role to play in ensuring their retention.

10.4 The Committee is therefore recommended to confirm Tree Preservation Order No. 17 of 2010 in an unmodified form.

11. **CONTACT OFFICER**

Cameron Gibson - Extension: 2453

12. **BACKGROUND PAPERS**

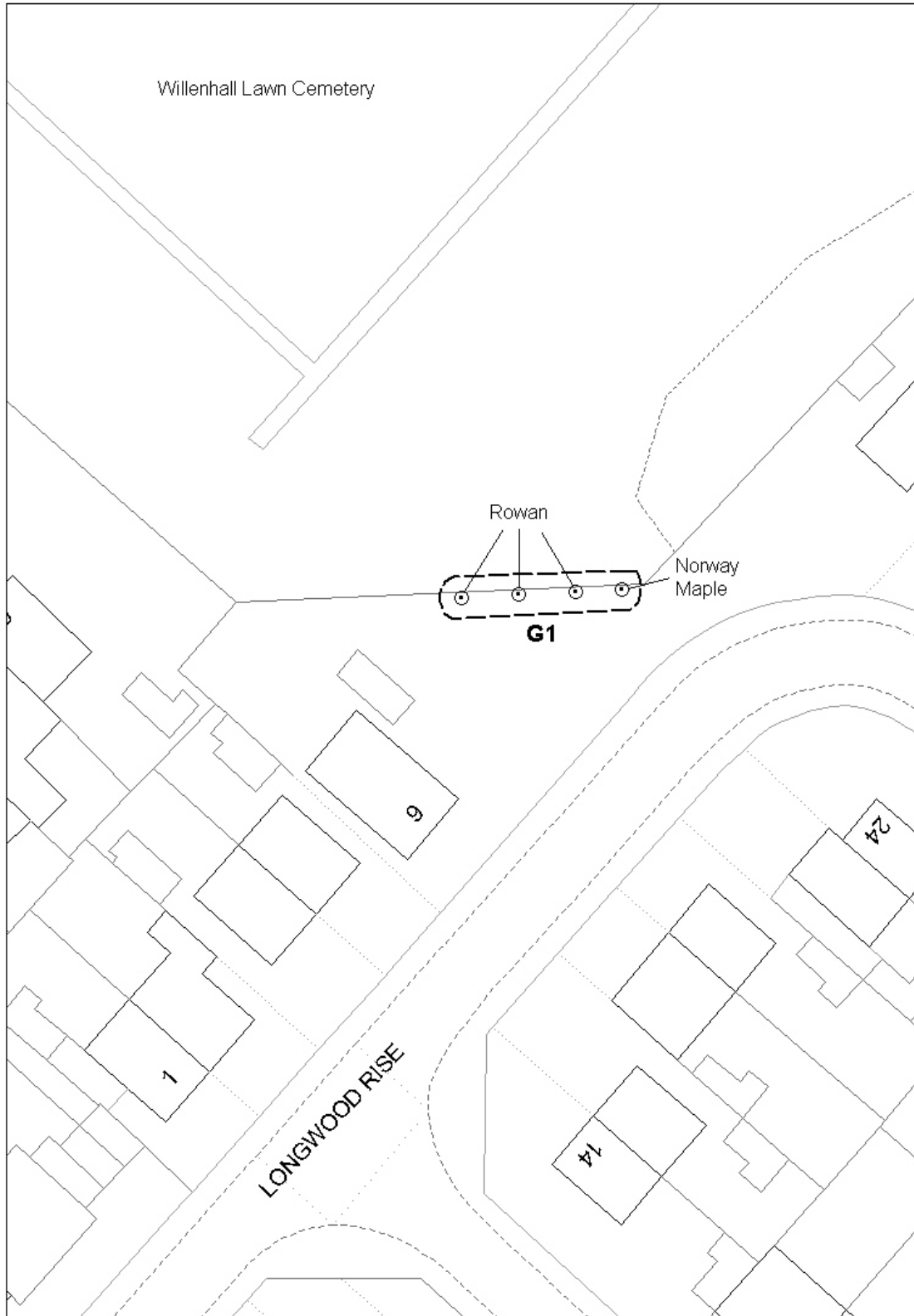
File PD1/17/918 relating to Tree Preservation Order No 17 of 2010.

Simon Tranter,
HEAD OF REGENERATION – DEVELOPMENT AND DELIVERY



TPO 17 of 2010

9 Longwood Rise, Willenhall WV12 4AZ.



Not to Scale Date 3 June 2010 Centre 397864E 300143N Cameron Gibson

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