



---

---

**PLANNING COMMITTEE: –**

21 April 2011

**REPORT OF HEAD OF DEVELOPMENT & DELIVERY**

SERVING OF TREE PRESERVATION ORDER 5 OF 2011 ON 199 SUTTON ROAD, WALSALL WS5 3AW.

**1. PURPOSE OF REPORT**

To seek the authority to make Tree Preservation Order No 5 of 2011.

**2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Authorise the making of Walsall Tree Preservation Order No 5 of 2011. A plan showing the proposed Tree Preservation Order is attached to this report.
- (ii) Support the reason for making the Tree Preservation Order set out in paragraph 11 of the detailed report.

**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.

The Tree Preservation Order legislation makes provision for landowners and occupiers to claim compensation from the Council as a result of the serving of a Tree Preservation Order. Compensation cannot normally be claimed unless the council subsequently refuses permission to allow works to a tree.

**6. EQUAL OPPORTUNITY IMPLICATIONS**

None.

**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 proposed Tree Preservation Order 5 of 2011 is located within the Paddock Ward.

**9. CONSULTEES**

Owners, occupiers and near neighbours will be sent copies of the Tree Preservation Order and invited to make representations to the Council in both opposition and support of this Tree Preservation Order. Any responses will be described within the future report for the confirmation of this order.

**REPORT DETAIL**

10. This proposed TPO has arisen as a result of a request by the property owner as she intends to put the property on the market. The original requested was to protect trees to the front of the site although these were found to be not worthy of inclusion in a TPO. However, there are several trees to the rear of the property which do merit inclusion due to their condition, shape, form and future potential. They are young trees of reasonable amenity value at present, with high potential to be feature trees in the locality. Although not directly under threat at the present time, Government guidance allows for precautionary protection of trees as a result of changes in property ownership.
11. The trees selected for continued protection under TPO 5 of 2011 are 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 enhance one of the entrances to Walsall Arboretum and will continue to do so in the future.
  - The trees add to the amenity and visual diversity of the immediate area.
  - The trees are at risk of removal through a change in property ownership.

12. The trees in question are worthy of protection for their contribution to the local landscape, and are a component part of the quality of the local landscape. They will, in the future, also provide a mature visual amenity feature that will add quality directly to the local area along with other trees. It is therefore considered expedient in the interests of the long-term amenity of the area to ensure the continued retention of the trees by making TPO5 of 2011.

13. **CONTACT OFFICER**

Cameron Gibson - Extension: 2453

14. **BACKGROUND PAPERS**

N/A

**Simon Tranter**  
HEAD OF DEVELOPMENT & DELIVERY

## **SCHEDULE 1**

### **SPECIFICATION OF TREES**

#### **Trees specified individually** (encircled in black on the map)

Reference on map	Description	Situation
T1	Beech	Towards the north east corner.
T2	Beech	Centrally located towards the north boundary.

#### **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
G1	1 Scots Pine, 1 Norway Spruce	Towards the north east corner, on the south side of T1 Beech.

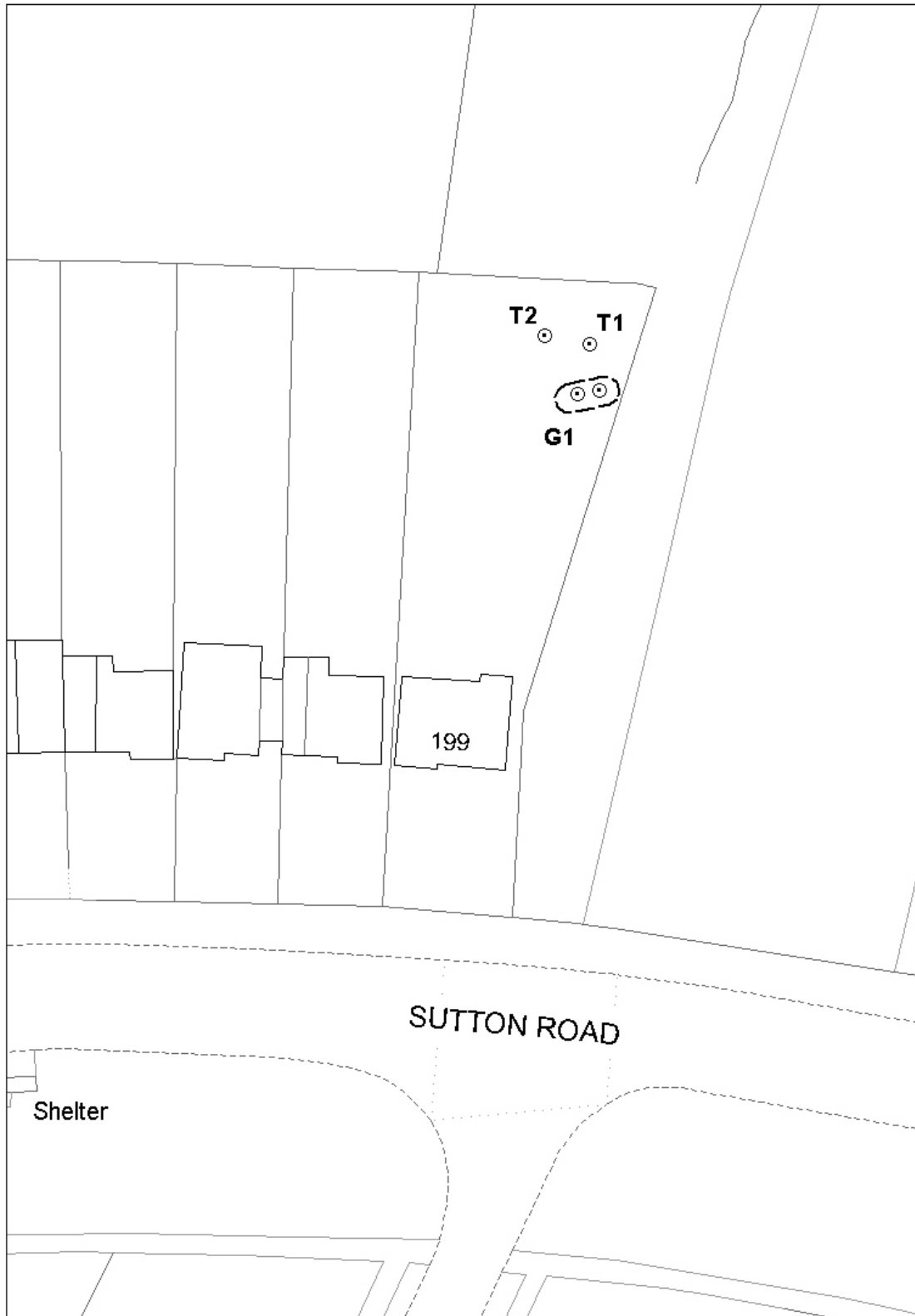
#### **Woodlands** (within a continuous black line on the map)

Reference on map	Description	Situation
None		



**TPO 5/2011**

199 Sutton Road, Walsall WS5 3AY



Not to Scale    Date 11 April 2011    Centre 403378E 297937N    Cameron Gibson

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Crown Copyright reserved.  
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings LICENCE NO: 100019529