



## DEVELOPMENT CONTROL COMMITTEE: –

13 August 2009

### REPORT OF THE HEAD OF DEVELOPMENT AND DELIVERY

## **CONFIRMATION OF TREE PRESERVATION ORDER 6 OF 2009 ON LAND AT THE QUEENS HEAD PUBLIC HOUSE, CHURCH STREET, WS3 3JQ.**

### **1. PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order No 6 of 2009.

### **2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 6 of 2009 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 6 of 2009 is located within the Bloxwich East 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 PD1/17/883 relating to Tree Preservation Order No 6 of 2009.

**Simon Tranter,**  
HEAD OF DEVELOPMENT AND DELIVERY

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**1.0 REPORT DETAIL.**

1.1 The Tree Preservation Order No 6 of 2009 was made on 24 February 2009. The trees 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 Council's Unitary Development Plan identifies policies for protection of the trees and green spaces.
- A pre-application proposal for supported housing was received by the council which would necessitate the removal of these important trees and making an emergency Tree Preservation Order will prevent their premature removal.

1.2 The minimum six week period allowed for objection to the Order expired on 7 April 2009. One representation objecting to the Order has been received by letter from Ian Keen Ltd consultants for trees and landscapes acting on behalf of Marstons PLC the owner of the land. They object to the Tree Preservation Order for the following reasons;

- The three Ash trees have been crown reduced in the past and are lifting the adjoining paving slabs and distorting the adjoining kerb stones that define the slightly raised area in which the trees stand. This distortion is typical of incremental growth of those roots that have been exploiting the surface layers of the media below the paving.
- The trees stand in an area once occupied by the former Queens Head public house and that when the pub was demolished in 1973 the trees were planted the following year. Given that the trees are now approximately 35 years of age it is considered that their dimensions are small, these diminished growth rates are attributed to the restricted rooting area of the three trees possibly due to the remnants of the previous pub situated below ground level. Twig extension growth was also measured (where possible) as far back as 2004 and the significance of these figures is that the growth rate tails off dramatically in recent years despite the fact the trees have been harshly reduced in the past which normally prompts rapid growth. As Ash trees are normally vigorous growers this pattern of twig extension would suggest a restriction on the trees ability to sustain normal growth rates.
- It is considered by the objector that the trees will not be able to sustain themselves within the current growing conditions and they will not attain dimensions much greater than they are now. Once the roots have exploited the resources available to

them the trees may enter a period of decline, become moribund and may even be lost to the street scene. In summary, based on the above, it is not considered expedient in the interests of amenity to place a Tree Preservation Order on the trees.

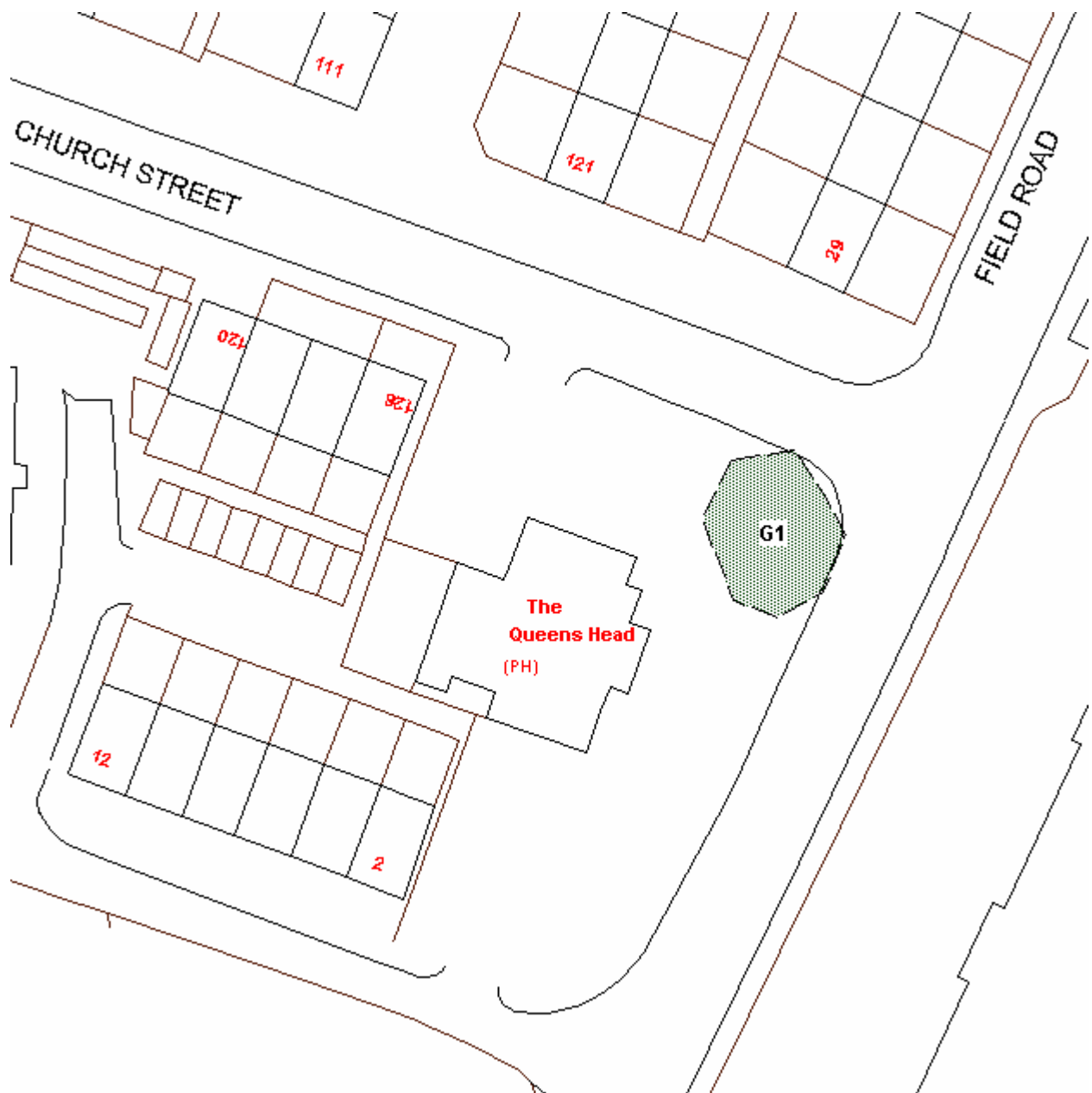
The Council's response to this objection is as follows:

- The localised distortion of the paving slabs around the base of the trees is minor and the surface is not so uneven as to cause undue inconvenience. Remedial works to correct the paving slabs could be undertaken without being detrimental to the health of the trees.
- Measurements of the twig extension growth have only been measured on one of the branches of each of the trees, consequently there is insufficient data available to prove beyond reasonable doubt that the trees are in decline.
- Whether the trees remain the same size or attain greater dimensions in the future is not relevant to the making of the Tree Preservation Order as it has been made based on their current amenity value. The objector states that the trees may start to decline or become moribund when they have exhausted the resources available to them, however, no evidence is available to support this and should this be a concern inexpensive soil amelioration techniques are commonly available that would improve the soil conditions and be of long term benefit to the health of the trees.

- 1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 6 of 2009 in unmodified form.



TPO 6 of 2009 land at Queens Head, Church Street, Walsall, WS3 3JQ.



Not to Scale      Date 13 February 2009      Centre 400132E 301819N      Andrew Cook

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