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DEVELOPMENT CONTROL COMMITTEE: –

18 November 2008

REPORT OF THE HEAD OF DEVELOPMENT AND DELIVERY

**CONFIRMATION OF TREE PRESERVATION ORDER 22 OF 2008 ON LAND AT 38, MIDDLETON ROAD, WALSALL, B74 3ES. TO REVOKE TREE PRESERVATION ORDER 21 OF 1979.**

**1. PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order 22 of 2008, and subject to the confirmation of TPO 22 of 2008 to revoke Tree Preservation Order 21 of 1979.

**2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order 22 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.
- (iv) To authorise the revocation of Walsall Tree Preservation Order 21 of 1979.

**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 22 of 2008 is located within the Streetly 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 PD1/17/848 relating to Tree Preservation Order 22 of 2008.  
File PD1/17/229 relating to Tree Preservation Order 21 of 1979.

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

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1.0 REPORT DETAIL.

1.1 The Tree Preservation Order 22 of 2008 was made on 24 July 2008. 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 and will continue to provide an important item of landscape quality in the future.
- The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces.

1.2 Reasons for revoking TPO 21 of 1979

- Tree Preservation order 22 of 2008 incorporates the remnants of the trees covered by TPO 21 of 1979. In order to avoid future confusion resulting from having two orders protecting the same trees I am recommending that Tree Preservation Order 21 of 1979 be revoked once Tree Preservation Order 22 of 2008 is confirmed.

1.3 The minimum six week period allowed for objection to the Order expired on 04 September 2008. No representations have been received.

1.4 The Committee is therefore recommended to confirm Tree Preservation Order No 22 of 2008 in an unmodified form and to revoke Tree Preservation Order 21 of 1979.

**Tree Preservation Order 22 of 2008 - 38 Middleton Road, Walsall**

