



DEVELOPMENT CONTROL COMMITTEE: –

5 August 2008

REPORT OF THE HEAD OF REGENERATION - DELIVERY AND
DEVELOPMENT

**CONFIRMATION OF TREE PRESERVATION ORDER 8 OF 2008 ON LAND
TO REAR AT 128, PARK HALL ROAD, WALSALL, WS5 3LZ.**

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order No 8 of 2008.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 8 of 2008 in 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 8 of 2008 is located within the Paddock 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 PD1/17/834 relating to Tree Preservation Order No 8 of 2008.

Simon Tranter,
HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

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1.0 **REPORT DETAIL.**

1.1 The Tree Preservation Order No 8 of 2008 was made on 26 March 2008. The trees are visually prominent in the street scene and 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.
- The trees were under threat from contractors on site who had already felled two trees and where intending to fell the remaining six significant trees in the front garden.

1.2 The minimum six week period allowed for objection to the Order expired on 7 May 2008. One response has been received by letter from 135, Skip Lane objecting to the Tree Preservation Order on the following grounds;

- The two Cedar trees are not a native species to the UK and are not rare, unique or of scientific interest.
- The four Silver Birches are not unusual or exceptional and are 40 to 50 years old and as the normal lifespan of a Birch tree is 60 years the Tree Preservation Order will not stop them dying naturally.

The response of the council to the objection to the Tree Preservation Order is as follows;

- A Tree Preservation Order (TPO) may be made by the Local Planning Authority if it is "expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area" (DETR Tree Preservation Orders A Guide to the Law and Good Practice). In this instance the council considered that the loss of these trees would have a detrimental impact on the local environment and its enjoyment by the public.
- When determining whether trees merit the protection of a TPO certain criteria are considered such as visibility, lifespan and condition. The fact that the Cedars are not a native species, rare, unique or of scientific interest does not preclude them from being included in the TPO.

- The four Birch trees may well have a relatively short useful life expectancy in an urban environment; however, they are currently in good condition and will continue to contribute to the landscape quality in the future.
- The council recognises that a TPO will not stop the trees dying naturally; the purpose of the TPO is to prevent their premature removal and loss of amenity to the locality. However, in the event of any of the trees dying or becoming dangerous, the Council can require replanting to maintain tree cover in the future.

1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 8 of 2008 in unmodified form.