



## DEVELOPMENT CONTROL COMMITTEE: –

16 July 2009

### REPORT OF THE HEAD OF DEVELOPMENT AND DELIVERY

## **CONFIRMATION OF TREE PRESERVATION ORDER 7 OF 2009 ON LAND AT 77, ASHTREE ROAD, PELSALL, WS3 4LS.**

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

To seek the confirmation of the Tree Preservation Order No 7 of 2009.

### **2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 7 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 7 of 2009 is located within the Pelsall 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 PD1/17/884 relating to Tree Preservation Order No 7 of 2009.

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

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#### 1.0 **REPORT DETAIL.**

1.1 The Tree Preservation Order No 7 of 2009 was made on 5 March 2009. The tree was protected for the following reasons:

- The tree forms a prominent landscape feature in the local area and will continue to provide an important item of landscape quality in the future.
- The tree adds 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.
- Planning application 09/0103/TR was received by the council intending to have the tree removed and making an emergency Tree Preservation Order will prevent the premature removal of this important tree.

1.2 The minimum six week period allowed for objection to the Order expired on 16 April 2009. One representation has been received by letter from 75, Ashtree Road objecting to the Tree Preservation Order for the following reasons;

- Concerns that it will not be possible to cut back the tree since the making of the Tree Preservation Order.
- The tree does not seem to be in good condition and overhangs the boundary which causes damage to the lawn and other vegetation.
- The tree deposits debris onto the lawn including twigs which have to be removed prior to mowing. The tree has also dropped larger branches that could cause injury to someone.

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

- The making of the Tree Preservation Order does not prevent appropriate pruning works being undertaken to the tree. Any proposed works would need to be the subject of an application.
- The depositing of small twigs on the lawn does not justify the removal of the tree; it is not uncommon for trees to shed small twigs and is not necessarily indicative of poor health.

- There was no evidence to suggest the tree is in poor condition when the Tree Preservation Order was made or that it had dropped any significant branches. There was also no indication that the tree is responsible for damage to other vegetation.

1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 7 of 2009 in unmodified form.