



DEVELOPMENT CONTROL COMMITTEE: –

17 June 2010

REPORT OF HEAD OF DEVELOPMENT & DELIVERY

SERVING OF TREE PRESERVATION ORDER 16 OF 2010 ON LAND AT, AND TO THE REAR OF, 110-142 WILKES AVENUE, BENTLEY, WALSALL.

1. PURPOSE OF REPORT

To seek the authority to make Tree Preservation Order No 16 of 2010.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Authorise the making of Walsall Tree Preservation Order No 16 of 2010. 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 12.2 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 16 of 2010 is located within the Bentley and Darlaston North 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.

10. **CONTACT OFFICER**

Cameron Gibson - Extension: 2453

11. **BACKGROUND PAPERS**

N/A

Simon Tranter

HEAD OF DEVELOPMENT & DELIVERY

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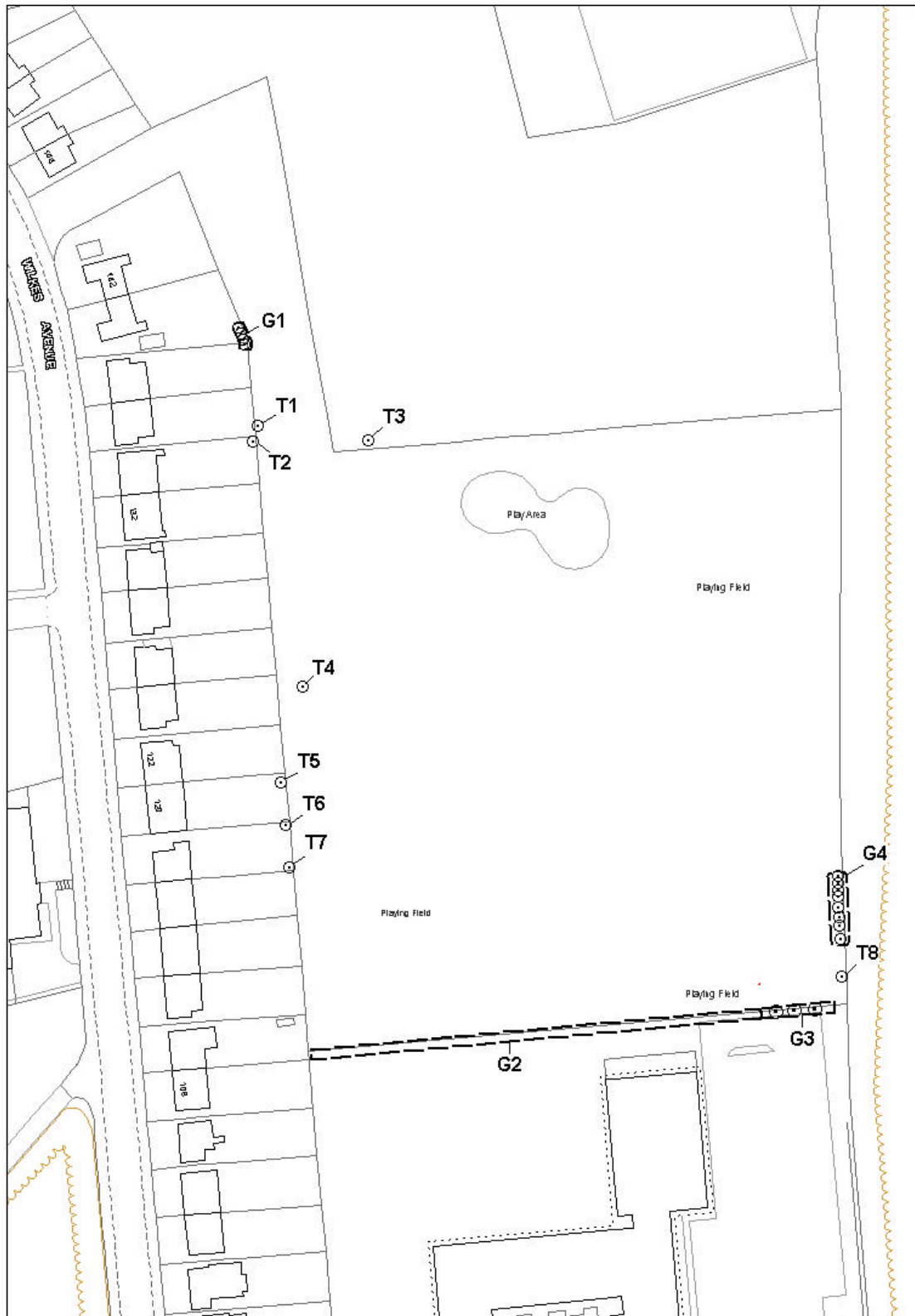
12.0 REPORT DETAIL.

- 12.1 This proposed TPO has arisen as a result of the proposed sale of Council owned land to the rear of 110-142 Wilkes Avenue. There are several trees on site, mainly located around the periphery, as well as some trees within the residential properties, adjacent to the boundary with the land to the rear. There are 4 individual trees and 1 group within the land to the rear, and 4 individual trees and 3 groups in adjacent properties. They are mainly semi mature trees of good shape, form and condition, are highly prominent in the locality, and have great potential to mature into feature trees. Although not directly under threat at the present time, it has been decided to include the trees within the residential properties adjacent the site as they are so close to the boundary that they are potentially at risk through future development.
- 12.2 The trees selected for continued protection under TPO 16 of 2010 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.*
 - *They add to the amenity and visual diversity of the immediate area*
 - *The land to the rear of 110-142 Wilkes Avenue will be sold by the Council. This could result in the loss of several significant trees within the site.*
 - *The trees within the properties adjacent to the site are close enough to be affected by future development.*
 - *The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces.*
- 12.3 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 TPO 16 of 2010. This is in line with current practice on the sale of Council-owned land.



TPO 16 of 2010

LAND AT, AND TO THE REAR OF, 110-142 WILKES AVENUE, BENTLEY, WALSALL.



Not to Scale Date 20 May 2010 Centre 398982E 299020N Cameron Gibson

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