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DEVELOPMENT CONTROL COMMITTEE: –

07 October 2008

REPORT OF THE HEAD OF REGENERATION – DEVELOPMENT AND DELIVERY.

**CONFIRMATION OF TREE PRESERVATION ORDER 13 OF 2008 ON LAND AT 32, KINGSHAYES ROAD, WALSALL, ALDRIDGE, WS9 8RU.**

**1. PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order No 13 of 2008.

**2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 13 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 two representations have 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 13 of 2008 is located within the Aldridge North and Walsall Wood 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 PD1/17/839 relating to Tree Preservation Order No 13 of 2008.

**Simon Tranter,**  
HEAD OF REGENERATION – DEVELOPMENT AND DELIVERY.

## DEVELOPMENT CONTROL COMMITTEE: –

07 October 2008

### CONFIRMATION OF TREE PRESERVATION ORDER 13 OF 2008 ON LAND AT 32, KINGSHAYES ROAD, WALSALL, ALDRIDGE, WS9 8RU.

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

1.1 The Tree Preservation Order No 13 of 2008 was made on 29 April 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.
- The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces.
- The trees are at risk from planning application 08/0395/FL and making an emergency Tree Preservation Order will discourage the premature removal of important trees.

1.2 The minimum six week period allowed for objection to the Order expired on 10 June 2008. Two representations have been received by letter from no. 30 and no. 32, Kingshayes Road objecting to the Tree Preservation Order for the following reasons;

- No. 32, Kingshayes Road states that they have been advised by an arboriculturist that the Willow tree will in the short term damage adjacent buildings, statutory undertakers' plant and also the footpath. For this reason the Willow tree should be removed. The letter supports the Tree Preservation Order for the Cherry tree.
- No. 30, Kingshayes Road states that the Willow tree and the Cherry tree are too large for their circumstance with all the accompanying problems relating to this.
- The letter from no. 30 also states that the Cherry tree is not of any historical or arboreal significance, deprives the property of light which will worsen with time and that the tree has been used as 'cover' for criminals. As a result the Tree Preservation Order on the Cherry tree will impact the safety of no. 30, Kingshayes Road and also impact the amount of available light available to the property.
- No. 30 also states that it is their understanding that permission would need to be sought from the council to undertake any tree works and that the owner would be responsible for the costs of the work. They cannot imagine that the tree owner would go to this trouble and expense and if they were in the tree owner's position they probably wouldn't.
- No. 30 also states that the council advises that both trees 'form a prominent landscape feature in the local area and will contribute to the landscape quality in the

future' and that they 'add to the amenity and visual diversity of the immediate area. However, no. 30 states that this is the council's opinion which could be argued and that taking the logic behind these statements to their rational conclusion these views could be held about all the trees in Walsall.

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

- The Willow tree is a healthy specimen of good form and its removal cannot be justified on the basis that it may in the future cause damage to adjacent buildings, services or footpaths.
- Both the Willow and the Cherry are currently in proportion to their surroundings and no specific 'problems relating to their size' have been detailed in the letter to comment on.
- The Cherry tree does not have to be of historical significance to merit a Tree Preservation Order.
- The Cherry tree is prominent and significant in the street scene and justifies the Tree Preservation Order.
- The problem of persons 'hiding' in the lower branches of the Cherry tree can be resolved by minor crown lifting which would need to be the subject of a formal application for tree works.
- The Cherry tree is situated south west of no. 30, Kingshayes Road and does not significantly shade the front of the property.
- The costs to have any tree works undertaken would normally be the responsibility of the tree owner(s) regardless of the presence of a Tree Preservation Order or not.
- When assessing trees or woodlands for a Preservation Order certain criteria is considered such as threat from development, public visibility, condition, lifespan, form, species, habitat importance and any identifiable historical or commemorative importance. Not all trees within Walsall would meet the above criteria and consequently would not merit a Tree Preservation Order.

- 1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 13 of 2008 in unmodified form.



TPO 13 of 2008 land at 32, Kingshayes Road, Walsall, Aldridge, WS9 8RU.



Not to Scale      Date 23 April 2008      Centre 405905E 302248N      Andrew Cook

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