



DEVELOPMENT CONTROL COMMITTEE: –

15 July 2008

REPORT OF THE ASSISTANT DIRECTOR – REGENERATION.

**CONFIRMATION OF TREE PRESERVATION ORDER 4 OF 2008 ON LAND
AT 280, BROADWAY NORTH, WALSALL, WS1 2PT.**

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order No 4 of 2008.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 4 of 2008 in a modified 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 response 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 4 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 PD1/17/830 relating to Tree Preservation Order No 4 of 2008.

Michael Tichford,
Assistant Director – Regeneration.

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1.0 REPORT DETAIL.

1.1 The Tree Preservation Order No 4 of 2008 was made on 21 February 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 property has recently changed hands and the new owners had made enquiries regarding the protection of the trees.
- The council is responding to requests from members of the public to place a Tree Preservation Order on the trees.

1.2 The minimum six week period allowed for objection to the Order expired on 3 April 2008. One response has been received objecting to the Order for the following reasons;

- It is claimed that Tree 'T2' of the Order is causing an obstruction which obscures the sight of oncoming traffic and as a result it is dangerous to exit the driveway of the property by vehicle. Consequently the tree should be removed on safety grounds.
- The property was purchased on the basis that there were no Tree Preservation Orders on the site and the new owner feels it is unacceptable for the council to serve an Order shortly after their occupation of the property.

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

- Following an additional site visit on 1 July 2008 and after consideration of the objections raised regarding Lime tree 'T2' the decision was made to modify the order and omit tree 'T2' from the original Tree Preservation Order. The Copper Beech 'T1' will be the only tree protected by TPO 4 of 2008; this is the most visually important of the two trees.
- Local Planning Authorities may make a Tree Preservation Order if it is 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. The TPO can be served at any time by the council. It is common for trees to be felled shortly after a property changes hands and this is

when important trees are often at most risk. In this case the council became aware that the trees were under threat and made the Tree Preservation Order. If the council had informed either the previous owners or the new purchasers of its intention to make a Tree Preservation Order there is a risk that the trees would have been removed before it was made which would be to the detriment of the visual amenity of the neighbourhood.

- 1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 4 of 2008 in a modified form.