



DEVELOPMENT CONTROL COMMITTEE: –

18 June 2009

REPORT OF THE HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

CONFIRMATION OF TREE PRESERVATION ORDER 32 OF 2008 AT LANGHAM GREEN, STREETLY AND REVOCATION OF TREE PRESERVATION ORDER 4 OF 1989.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order 32 of 2008, and subject to the confirmation of Tree Preservation Order 32 of 2008 to revoke Tree Preservation Order 4 of 1989.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order 32 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 1.4.
- (iii) Note that two representations have been received in respect of this Tree Preservation Order.
- (iv) To authorise the revocation of Walsall Tree Preservation Order 4 of 1989 upon the confirmation of Tree Preservation Order 32 of 2008.

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**

Tree Preservation Orders are made to protect trees that meet published criteria. Therefore they can be served on any property owner in the borough.

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 32 of 2008 and 4 of 1989 are located within Streetly 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 PD/17/858 relating to Tree Preservation Order 32 of 2008.
- File PD/17/421 relating to Tree Preservation Order 4 of 1989.

Simon Tranter

HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

18 June 2009

**CONFIRMATION OF TREE PRESERVATION ORDER 32 OF 2008
AT LANGHAM GREEN, STREETLY AND REVOCATION OF TREE
PRESERVATION ORDER 4 OF 1989.**

REPORT DETAIL.

TREE PRESERVATION ORDER REVIEW

- 1.1 The Tree Preservation Order 32 of 2008 was served on 1st October 2008. It is part of the Streetly Tree Preservation Order Review process approved by this committee on 18 July 2006.
- 1.2 The Tree Preservation Order Review is being undertaken in two phases; the first phase was a desk assessment of all Walsall Council's Tree Preservation Orders and is now complete. The second phase seeks to bring up to date or correct inadequacies in the Tree Preservations Orders as identified in the first phase. In some instances this is relatively straightforward; but with many of the larger and older orders site changes or changes to the tree populations necessitate the creation of updated Tree Preservation Orders and the revocation of the old ones. The review is focused on systematic work in Streetly Ward, although Tree Preservation Orders in other parts of the borough have been reviewed as problems or inaccuracies come to light

MAKING TREE PRESERVATION ORDER 32 OF 2008

- 1.3 Since the implementation of the original Tree Preservation Order at Langham Green (TPO 4 of 1989) development at the site has occurred and the tree population has changed considerably with the loss of ten trees from twenty eight, and degradation in terms of condition and amenity value of a number of the remaining trees. This new Tree Preservation Order (TPO 32 of 2008) serves to replace and bring up to date the protection of amenity offered by elements of Tree Preservation Order 4 of 1989 and to include new previously unprotected trees that might otherwise be lost.
- 1.4 Tree Preservation Order 32 of 2008 was made for the following reasons:

Due to development at the site, and changes in the age classification and condition of the tree population covered by Tree Preservation Order 4 of 1989 at Langham Green, it is no longer deemed expedient to maintain that order. The purpose of this new order (TPO 32 of 2008) is it to ensure that some continued amenity is provided by trees in Langham Green through the retention of prominent trees and where necessary replacement plantings when protected trees are eventually removed.

REPRESENTATIONS MADE

- 1.5 The minimum six week period allowed for objection to the Order expired on the 12th November 2008. Two representations have been received in respect of this Tree Preservation Order.
- 1.6 The representations were made by the residents of numbers 4 & 6 Langham Green and both expressed concerns regarding the inclusion of tree T1 (Deodar cedar) into TPO 32 of 2008. The residents of both properties were contacted by letter on the 12th of November 2008, the Councils communication explained that it would be a number of decades before the trees presence might give actual cause for concern, and that in that time the tree had potential to be a prominent feature in Langham Green offering an amenity to an area where the loss of mature street front and skyline trees has been high. There has been no further comment from the correspondents.

REASONS FOR REVOKING TREE PRESERVATION ORDER 4 OF 1989

- 1.7 The new Tree Preservation Order No 32 of 2008 incorporates elements of the trees covered by Tree Preservation Order 4 of 1989. For the reasons given above (sections 1.3 & 1.4) and in order to avoid future confusion resulting from having two orders protecting the same trees I am recommending that Tree Preservation Order 4 of 1989 be revoked once Tree Preservation Order 32 of 2008 is confirmed.
- 1.9 The Committee is therefore recommended to confirm Tree Preservation Order No 32 of 2008 in an un-modified form and to revoke Tree Preservation Order 4 of 1989.

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	Deodar cedar	South-east boundary of the rear garden at No 6 Langham Green, southern most of two cedar trees
T2	Birch	Located on the western boundary of the plot of land to the rear of No 8 Langham Green
T3	Lime	Towards the north-west corner of the rear garden of No 8 Langham Green
T4	Lime	Towards the north-west boundary of the rear garden at No 9 Langham Green
T5	Rowan	North corner of the rear garden at No 10 Langham Green
T6	Birch	In the garden plot on the north side of No11 Langham Green, alongside the boundary with No 6 Silver Birch Road
T7	Norway maple	Towards the north-east boundary of the rear garden at No 12 Langham Green
T8	Birch	On the north-eastern side of the car park east of Jerome Court, and next to the public footpath between Langham Green and Crest View
T9	Birch	On the south-east boundary of the plot of land at the rear (South) of Jerome Court adjacent to the rear garden of No 10 Crest View
T10	Beech	Approximately 11m west of the southern corner of the plot of land at the rear (South) of Jerome Court adjacent to the rear garden of No 4 Bracken Way
T11	Atlas Cedar	West side of the western plot of land at the rear (South) of Jerome Court
T12	Beech	West side of the western plot of land at the rear (South) of Jerome Court

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
	None	

Groups of trees

(within a broken black line on the map)

Reference on map	Description	Situation
G1	Birch x 4	On the south-east boundary of the plot of land at the rear (South) of Jerome Court adjacent to the rear garden of No's 6, 8, & 10 Bracken Way
G2	Birch x 2	Towards the southern corner of the plot of land at the rear (South) of Jerome Court adjacent to the rear gardens of No's 4, & 6 Bracken Way

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
	None	

TREE PRESERVATION ORDER 32 OF 2008, LANGHAM GREEN, STREETLY



Walsall Council

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Scale 1/1250 Date 25/9/2008

Centre = 407599 E 298061 N
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