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DEVELOPMENT CONTROL COMMITTEE: –

07 October 2008

REPORT OF THE HEAD OF REGENERATION – DEVELOPMENT AND DELIVERY.

**CONFIRMATION OF TREE PRESERVATION ORDER 5 OF 2008 ON LAND TO THE REAR OF 38 AND 39, ROUGH HAY ROAD, WS10 8NQ.**

**1. PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order No 5 of 2008.

**2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 5 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 no 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 5 of 2008 is located within the Darlaston South 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 PD1/17/831 relating to Tree Preservation Order No 5 of 2008.

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

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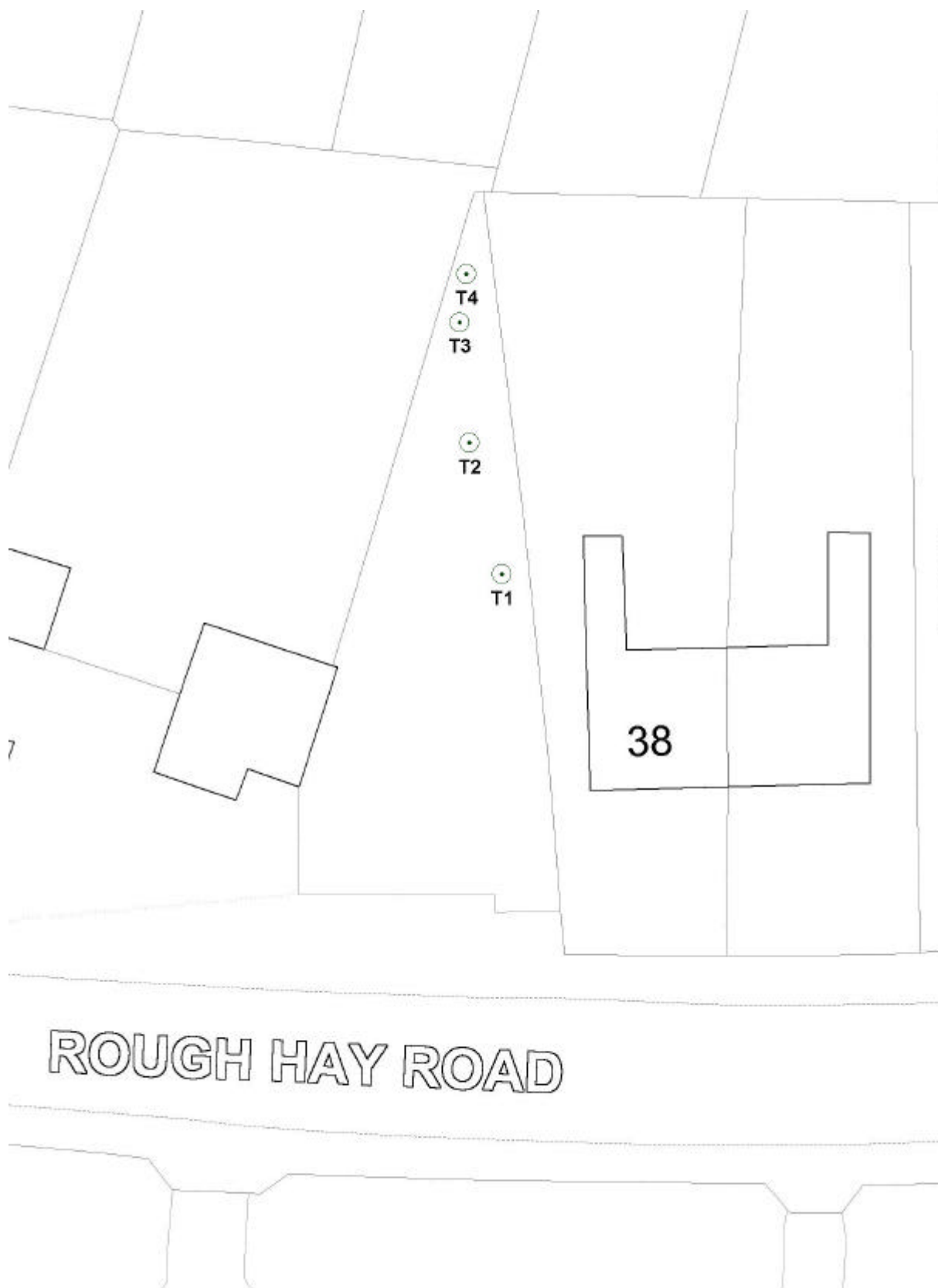
### 1.0 **REPORT DETAIL.**



1.1 The Tree Preservation Order No 5 of 2008 was made on 26 March 2008. The trees were protected for the following reasons:

- The four trees two common lime and two sycamores, the subject of this proposed Order, are situated on land between 38 and 39 Rough Hay Road, Darlaston South, WS10 8QN. This land has recently changed ownership from the local authority into private hands, and is the subject to a planning application for a change of land use from public open space to private garden (07/2616/FL/W5). The plot of land has a broad frontage with Rough Hay Road and in the future may be identified for development.
- 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.
- Unsympathetic pruning or the removal of one or all of these trees would be to the detriment of the local amenity.
- The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces.

1.2 The minimum six week period allowed for objection to the Order expired on 7 May 2008. No responses have been received.

1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 5 of 2008 in unmodified form.



 <b>Walsall Council</b>	<b>Tree Preservation Order No 5/2008</b>	<b>Scale</b>	Not to scale	
	<b>Land to the rear of 38 &amp; 39 Rough Hay Road</b>	<b>Date</b>	<b>22/02/2008</b>	
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