



DEVELOPMENT CONTROL COMMITTEE: –

3 December 2009

REPORT OF HEAD OF DEVELOPMENT & DELIVERY

SERVING OF TREE PRESERVATION ORDER 11 of 2009 AT FORMER
CARDBOARD BOX FACTORY, SPRING LANE, WILLENHALL WV12 4HL.

1. PURPOSE OF REPORT

To seek the authority to make Tree Preservation Order No 11 of 2009.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Authorise the making of Walsall Tree Preservation Order No 11 of 2009. 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**

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 proposed Tree Preservation Order 11 of 2009 is located within the Short Heath 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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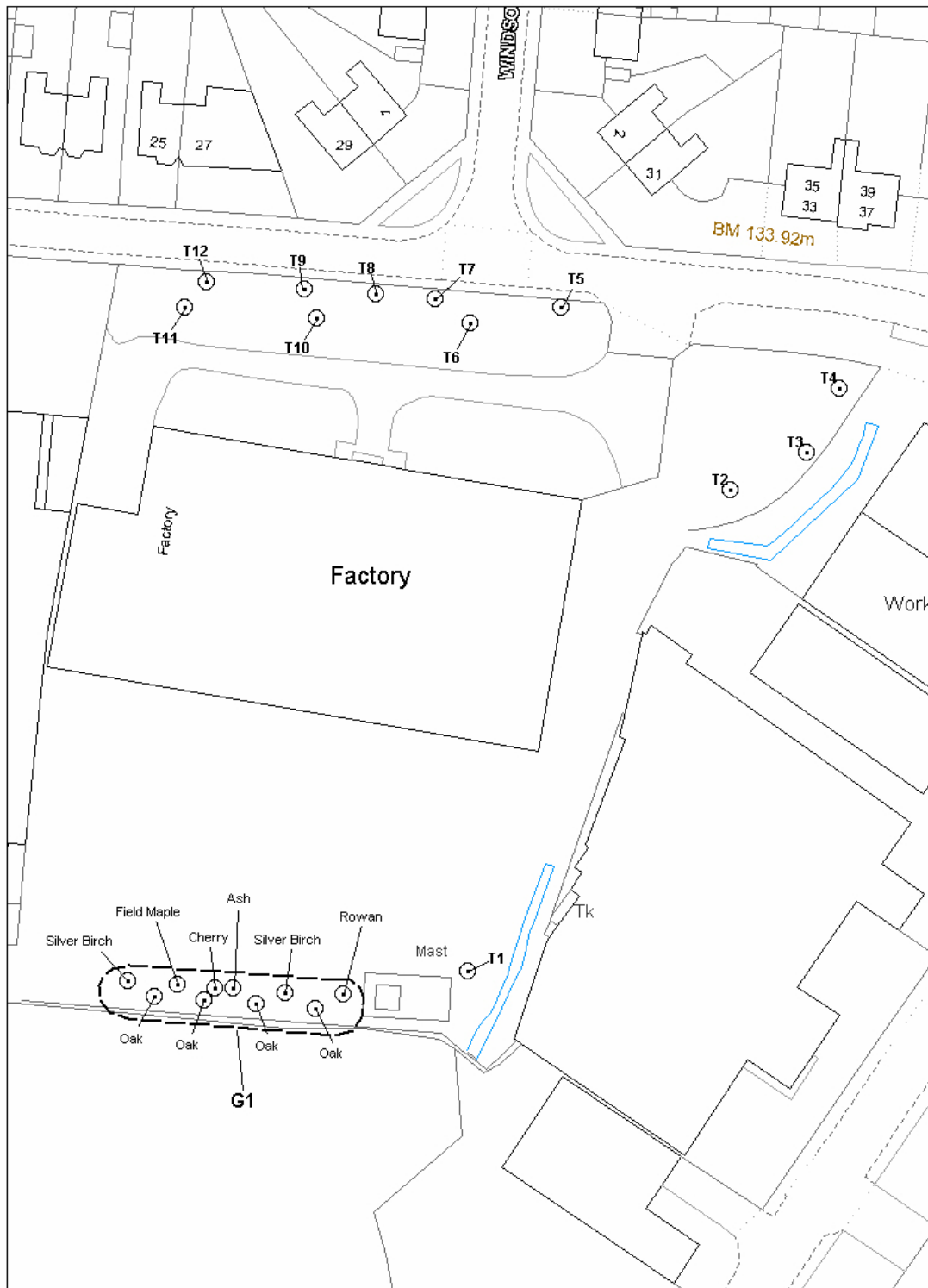
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12.0 **REPORT DETAIL.**

- 12.1 This proposed TPO follows a review of an existing TPO. The trees, the subject of this proposed Order, are situated on land at a former industrial site in Spring Lane, Willenhall. They are presently covered by Tree Preservation Order 12 of 2007 and several anomalies have been discovered within this TPO. TPO 11 of 2009 aims to correct the anomalies, include only those trees worthy of a TPO and bring the TPO up to date with current regulations. It will also ensure a significant level of amenity, aesthetic and landscape value be retained in the locality.
- 12.2 The trees selected for continued protection under TPO 11 of 2009 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 site is under consideration from development which would result in the loss or severe disfigurement of several significant trees within the site.*
 - *The current Tree Preservation Order (12 of 2007) was found to contain several anomalies, which this TPO aims to correct.*
 - *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 11 of 2009.
- 12.4 If the committee authorises the proposed TPO 11 of 2009, it is my intention to recommend that the original TPO (12 of 2007) is revoked when the new TPO is confirmed at a future meeting of this committee.



TPO 11 of 2009 on land at former Cardboard Box factory, Spring Lane, Willenhall.



Not to Scale Date 21 October 2009 Centre 397026E 299879N Cameron Gibson

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