



DEVELOPMENT CONTROL COMMITTEE: –

1 April 2008

REPORT OF THE HEAD OF REGENERATION - DELIVERY AND
DEVELOPMENT

**CONFIRMATION OF TREE PRESERVATION ORDER 45 OF 2007 ON
LAND ADJACENT TO 76, BESCOT CRESCENT, WALSALL, WS1 4DH.**

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order No 45 of 2007.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 45 of 2007 in 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 one representation 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 45 of 2007 is located within the Palfrey 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 PD1/17/813 relating to Tree Preservation Order No 45 of 2007.

Steve Lewis,
HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

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1.0 **REPORT DETAIL.**

1.1 The Tree Preservation Order No 45 of 2007 was made on 1 November 2007. 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

1.2 The minimum six week period allowed for objection to the Order expired on 13 December 2007. One response has been received from the owner/occupier of 76, Bescot Road, Walsall, WS1 4DH who has the following comments objecting to the Tree Preservation Order;

- The roots and branches are damaging the property.
- The roots and branches are in the way of erecting a double storey side extension.

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

- There is no evidence that the roots or branches are causing damage to the property and any possible conflict with the trees if an extension is built in the future can be avoided by some remedial pruning.

1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 45 of 2007 in unmodified form.