



---

---

PLANNING COMMITTEE: –

26<sup>th</sup> April 2012

REPORT OF THE HEAD OF REGENERATION - DEVELOPMENT AND DELIVERY

**CONFIRMATION OF TREE PRESERVATION ORDER 12 OF 2011 ON LAND AT DIMMINSDALE, WILLENHALL.**

1. **PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order 12 of 2011.

2. **RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order 12 of 2011 in an unmodified form. A plan showing the Tree Preservation Order and a schedule of the trees is attached to this report.
- (ii) Support the reason for making the Tree Preservation Order set out in the report detail, paragraph 10.
- (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 12 of 2011 is located within the Willenhall 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.

## REPORT DETAIL

10. The Tree Preservation Order 12 of 2011 was made on 10<sup>th</sup> November 2011. The trees are visually prominent and were 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.
  - The trees add to the amenity and visual diversity of the immediate area.
  - The land is currently being considered for development with potential for the trees to be removed as part of any initial proposals.
  - The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces.
11. The minimum six week period allowed for objection to the Order expired on 22<sup>nd</sup> December 2011. One letter of representation has been received from the site owner. He makes comments as follows:
  - We do not agree with the TPO and will be commissioning an Arboriculturists Report in due course to assess the suitability of the trees for retention.
  - We consider that only T5 on the Plan would be of contention for any design scheme. This will also be assessed in due course.
12. Officers' responses to these comments are as follows;
  - The Tree Preservation Order was initiated as a result of a pre-application for development of the site. An assessment of the trees indicated that several trees fulfilled the criteria for inclusion in a TPO, which was duly made. In

addition, it must be noted that some trees were not considered worthy of protection and therefore are not included in the TPO.

- The TPO protects 3 trees on the west boundary and 2 trees internal to the site. They are all semi mature to mature and of good shape and form. They are prominent in the locality and contribute significantly to the amenity, aesthetic and landscape value of the area.
- There is a duty in Section 197 of the Town and Country Planning Act 1990 for Local Planning Authorities to make adequate provision for the protection of trees. The making of this TPO prevents the pre-emptive felling of the trees to facilitate development and ensures the retention of the trees can be considered in the planning process.
- The site owner has stated that only T5 would be of contention. However, no evidence has been submitted to show that the constraints posed by the trees have not been fully investigated by a suitably qualified and competent person on behalf of the owner and no further information has been submitted in support of a planning application.

13. This Tree Preservation Order was made in response to a pre-application proposal for development. If the Tree Preservation Order is not confirmed, the property owner would be able to remove the trees and remove a potential constraint to development and any replacement would be at his sole discretion. Assessment by officers showed that protection of all 5 trees is justified. If the owner wishes to prune or remove any of the trees, once his experts have evaluated the trees, this could be done through an application to fell or prune and the merits of any such tree or development application can then be considered by the council. The Committee is therefore recommended to confirm Tree Preservation Order No 12 of 2011 in an unmodified form.

16. **CONTACT OFFICER**

Cameron Gibson - Extension: 2453.

17. **BACKGROUND PAPERS**

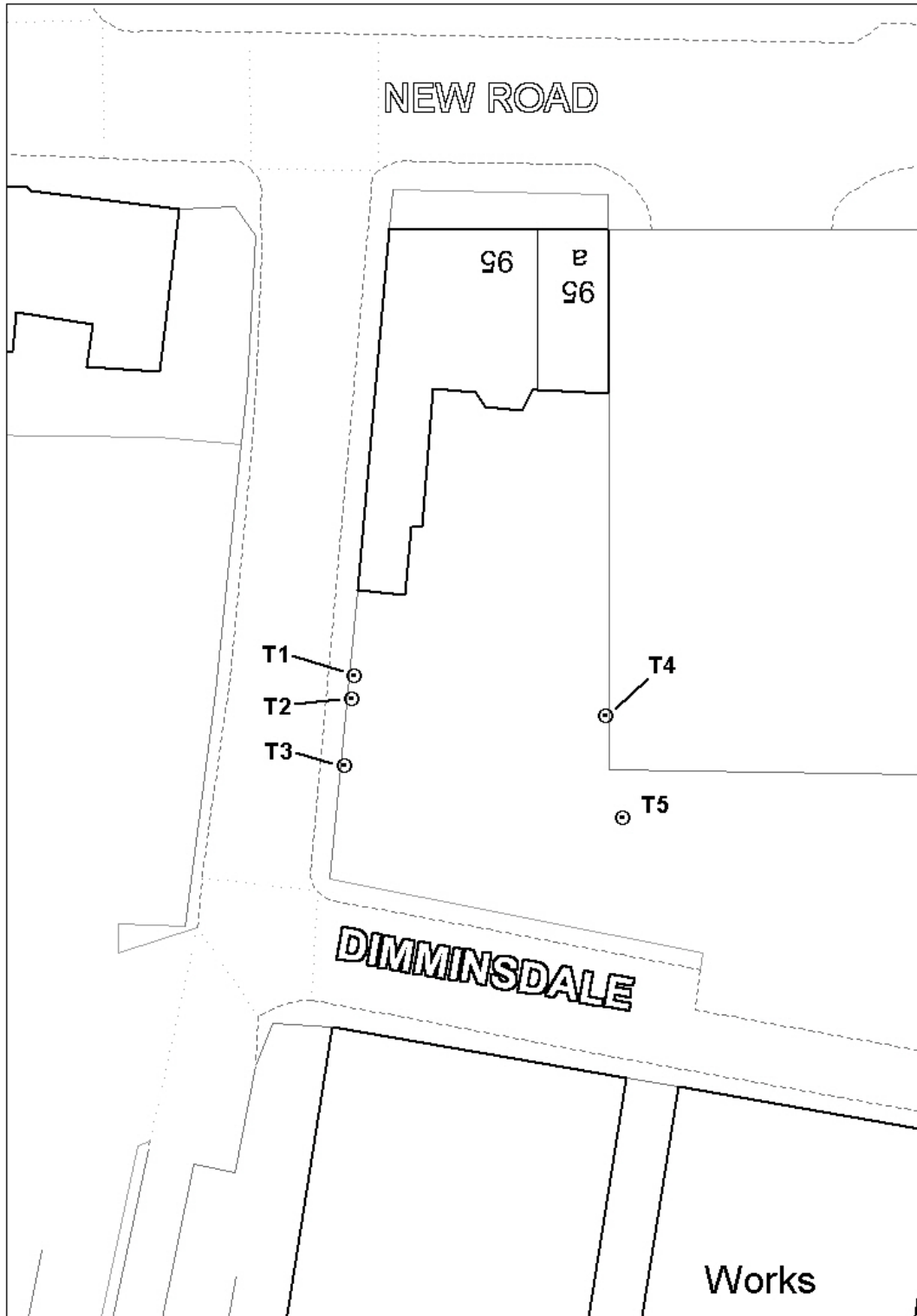
File PD1/17/932 relating to Tree Preservation Order 12 of 2011.

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



## TPO 12 of 2011

Land at Dimminsdale, Willenhall.



Not to Scale    Date 03 November 2011    Centre 396154E 298385N    Cameron Gibson

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office. Crown Copyright reserved.  
Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings LICENCE NO: 100019529

## SCHEDULE 1

### TPO 12 of 2011 SPECIFICATION OF TREES

#### **Trees specified individually** (encircled in black on the map)

Reference on map	Description	Situation
T1	Lime	On the frontage of Dimminsdale, 5m from the rear of 95 New Rd.
T2	London Plane	On the frontage of Dimminsdale, 7m from the rear of 95 New Rd.
T3	London Plane	On the frontage of Dimminsdale, 11m from the rear of 95 New Rd.
T4	Sycamore	Adjacent to the south east corner of 95 New Rd.
T5	Lime	To the centre of the parking area.

#### **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
None		

#### **Woodlands** (within a continuous black line on the map)

Reference on map	Description	Situation
None		