



DEVELOPMENT CONTROL COMMITTEE: –

11th March 2008

REPORT OF THE HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

CONFIRMATION OF TREE PRESERVATION ORDER 50 OF 2007 AT THE HAWTHORNS, HIGHGATE DRIVE, WALSALL.

REVOKATION OF TREE PRESERVATION ORDER 4 OF 1972 THE HAWTHORNS, HIGHGATE DRIVE, WALSALL.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order No 50 of 2007. And subject to the confirmation of order 50 of 2007 to seek the authority to revoke Tree Preservation Order 4 of 1972.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 50 of 2007 in a modified form. A plan showing the Tree Preservation Order is attached to this report.
- (ii) Subject to the confirmation of Tree Preservation Order 50 of 2007 to revoke Tree Preservation Order 4 of 1972.
- (iii) Support the reason for making the Tree Preservation Order set out in the report detail, paragraphs 1.1 to 1.3.
- (iv) Note that no representations have been received in respect of Tree Preservation Order No 50 of 2007.

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 Orders 50 of 2007 and 4 of 1972 are located within St Matthews ward.

9. **CONSULTEES**

Owners and near neighbours were sent copies of Tree Preservation Order No 50 of 2007 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. Owners and near neighbours will be sent copies of the revocation documents for Tree Preservation Order No 4 of 1972 for information.

10. **CONTACT OFFICER**

Andrew Cook - Extension: 2447

11. **BACKGROUND PAPERS**

File Tree Preservation order 4 of 1972 that existed on the same site prior to order 50 of 2007, planning application 07/2760/FL/W6

Steve Lewis ,
HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

DEVELOPMENT CONTROL COMMITTEE: –

11 March 2008

CONFIRMATION WITH MODIFICATIONS OF TREE PRESERVATION ORDER 50 OF 2007 – THE HAWTHORNS, HIGHGATE DRIVE, WALSALL.

REVOKATION OF TREE PRESERVATION ORDER 4 OF 1972 THE HAWTHORNS, HIGHGATE DRIVE.

1.0 **REPORT DETAIL.**

1.1 The Tree Preservation Order No 50 of 2007 was made on 22nd 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 trees are at risk from development currently proposed in planning application 07/2760/FL/W6.
- The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces.
- Tree Preservation Order 50/2007 has been modified because the order was originally made as an emergency measure and covered all the trees on site indiscriminately. The tree officers have since been able to revisit the site and identify specific individuals and groups meriting protection within the modified order.

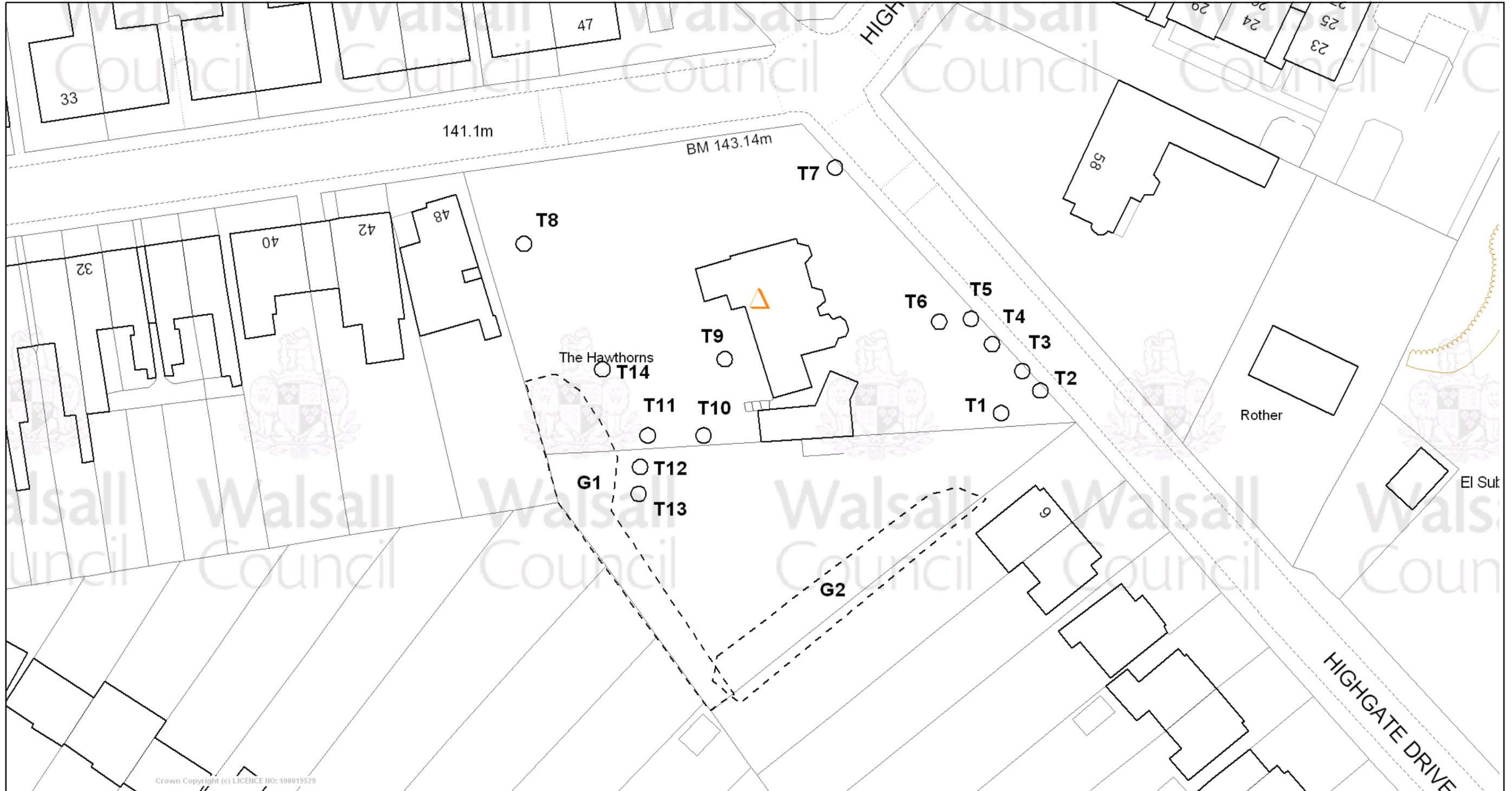
The minimum six week period allowed for objection to the Order expired on 20th December 2007. No responses have been received.

1.2 Tree Preservation Order 4 of 1972 was recently re-surveyed in response to planning application 07/2760/FL/W6 and as part of an on-going review of all the Tree Preservation Orders in Walsall.

This proposed revocation is a tidying up procedure to delete Tree Preservation Orders where for one or a combination of reasons it is no longer necessary for the Tree Preservation Order to remain in force:

- Tree Preservation order 4 of 2007 will be superseded by the confirmation of the Tree Preservation Order No 50 of 2007.
- Due to tree condition and population changes the detail of Tree Preservation Order No 4 of 1972 no longer accurately reflects site conditions.
- It is no longer expedient to continue the protection of a number of trees in Tree Preservation Order No 4 of 1972.

1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 50 of 2007 in modified form; and subject to the confirmation of Order No 50 of 2007 to revoke Tree Preservation Order No 4 of 1972.



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