



DEVELOPMENT CONTROL COMMITTEE: –

3 APRIL 2007

REPORT OF THE HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

CONFIRMATION OF TREE PRESERVATION ORDER 60 OF 2006 ON LAND TO REAR OF BLENHEIM ROAD, LUDLOW CLOSE AND BRIDGNORTH GROVE, WILLENHALL.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order No 60 of 2006.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 60 of 2006 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 two 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 60 of 2006 is located within Willenhall North 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**

David Lomas - Extension: 2594

11. **BACKGROUND PAPERS**

File PD1/17/763 relating to Tree Preservation Order No 60 of 2006.

Steve Lewis,
HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

DEVELOPMENT CONTROL COMMITTEE: –

3 APRIL 2006

CONFIRMATION OF TREE PRESERVATION ORDER 60 OF 2006 AND TO LAND TO THE REAR OF BLENHEIM ROAD, LUDLOW CLOSE AND BRIDGNORTH GROVE, WILLENHALL WALSALL

1.0 **REPORT DETAIL.**

1.1 The Tree Preservation Order No 60 of 2006 was made on 26 October 2006. 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 7 December 2006. Two responses have been received from the owners of 13 and 21 Ludlow Close.

The owner of 13 Ludlow Close had the following comments:

- The Tree Preservation Order is supported in principle as it demonstrates the council is taking an interest in the local environment
- Concerns are expressed that carrying out work to the trees in future would be very bureaucratic.
- The tree T5 is unsafe and has dropped branches which may cause damage or injury. A recent case in Bloxwich which appeared in the press was cited.

The owners of 21 Ludlow Close had the following comments:

- The Tree Preservation Order is supported in principle
- There are concerns over tree T5. If the Preservation Order is confirmed they will not be able to maintain it and the tree could become dangerous
- They would like assurance that the Council will accept liability for any damage or injury caused by the tree.
- They are concerned that the tree may eventually cause damage to nearby buildings.

The Council's response to these comments are as follows:

- The tree T5 has been inspected by the tree officers subsequent to receipt of the two letters. Although there was some deadwood within the crown, the tree is considered safe and has sufficient amenity value to justify inclusion within the Tree Preservation Order. Deadwood can be removed without the need to apply for permission.
- The Council will not accept liability for damage caused by protected trees. Protected trees remain the owner's responsibility and any maintenance works required could still continue but would first need the Council's permission. I accept that the process of securing permission is bureaucratic but this is inevitable if visually important trees are to be protected

1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 60 of 2006 in an unmodified form.