



DEVELOPMENT CONTROL COMMITTEE: –

22 April 2008

REPORT OF THE HEAD OF REGENERATION - DELIVERY AND
DEVELOPMENT

**CONFIRMATION OF TREE PRESERVATION ORDER 36 OF 2007 ON
LAND AT THE VICARAGE, 22 BLOXWICH ROAD, WALSALL, WS2 8DB**

1. **PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order No 36 of 2007.

2. **RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 36 of 2007 in a modified 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 no 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 36 of 2007 is located within North Walsall 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 PD1/17/804 relating to Tree Preservation Order No 36 of 2007.

Steve Lewis,
HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

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CONFIRMATION OF TREE PRESERVATION ORDER 36 OF 2007 AND TO LAND AT THE VICARAGE, 22 BLOXWICH ROAD, WALSALL, WS2 8DB

1.0 **REPORT DETAIL.**

1.1 The Tree Preservation Order No 36 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 trees are at risk from development as the property has recently changed ownership and making an emergency Tree Preservation Order will discourage premature removal of important trees
- 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. No responses have been received.

1.3 Following the submission of a tree condition report by a potential developer and a subsequent site meeting, the decision was made to modify the order and omit two of the four trees from the original Tree Preservation Order. One mature Ash tree has been omitted due to its poor structural condition and one relatively insignificant semi mature Birch tree has been omitted because it represents a severe constraint to any proposed development of the site due to its location adjacent the only vehicular access road. The Birch tree can be easily replaced elsewhere on site and future development of the site will require details of replacement planting in mitigation for its loss.

1.4 The Committee is therefore recommended to confirm Tree Preservation Order No 36 of 2007 in modified form.