



# Planning Committee

20 January 2014

<b>Report title</b>	Wolverhampton City Council (Land to the Rear of 15 Tinacre Hill No 2) Tree Preservation Order (TPO) 2014	
<b>Cabinet member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity	
<b>Wards affected</b>	Tettenhall Wightwick	
<b>Accountable director</b>	Tim Johnson, Education and Enterprise	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	Name Andy Fisher Tree Officer	
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## 1 Summary Recommendation

- 1.1 Confirm the Wolverhampton City Council (Land to the rear of 15 Tinacre Hill No 2) Tree Preservation Order (TPO) 2014.

## 2 Background

- 2.1 The trees are located on a piece of land lying to the rear of Tinacre Hill between Quail Green and Rookwood Drive.
- 2.2 The site was previously informal woodland / open space and may previously have formed part of the garden of a neighbouring property. A large number of trees and shrubs have been cleared leaving the three Silver Birch trees subject of the interim order and two Sycamore trees which were subject of a previous order, served in 2001.
- 2.3 Once the site had been cleared it became apparent that the three silver birch trees were at risk and worthy of protection. A number of other trees on the site were assessed but were not worthy of protection, these trees have since been removed.
- 2.4 The site has been subject to an outline planning application (ref 14/00982/OUT) for four houses which was refused on 8<sup>th</sup> October 2014.

2.5 An interim order to protect three Silver Birch trees was made and served on 22<sup>nd</sup> October 2014. The trees are located on the eastern boundary of the site as shown on the attached plan.

### **3 Assessment of the protected trees**

3.1 The three trees are substantial and mature in stature, being in excess of 10 metres in height. They are a prominent feature in the local landscape and the clearance of the surrounding land has highlighted their amenity value.

3.2 The trees are suitable to their setting, being located to the rear of the site. The trees have a useful life expectancy of over 30 years. The trees do not prevent development of the site per se but should be protected in order to retain their amenity value.

### **4 Relevant Policy Documents**

4.1 National Planning Policy Framework (NPPF)

4.2 The Development Plan:  
Wolverhampton Unitary Development Plan (UDP)  
Black Country Core Strategy (BCCS)  
The Tettenhall Neighbourhood Plan

### **5 Legal Implications**

5.1 Under section 198 (1) of the Town and Country Planning Act 1990 if the Council, as the local planning authority, consider it to be expedient in the interests of amenity to make provision for the preservation of trees, it may make a Tree Preservation Order. A TPO may prohibit the cutting down, topping, lopping, wilful damage or wilful destruction of trees except with the consent of the Council.

5.2 On 6 April, 2012, the Town and Country Planning (Tree Preservation)(England) Regulations 2012 consolidated existing legislation into one new set of regulations. The aim of the regulations is to unify the system and make it easier to use by authorities and tree owners. The general power, in section 198 of the Town and Country Planning Act 1990, to make preservation orders in the interests of amenity, remains unchanged. All orders provide immediate provisional protection that lasts for six months and long-term protection once authorities confirm them after considering any objections or representations. Legal implications reference LM/09012015/T

### **6. The Objection**

6.1 The objection is made by the owner of the land and makes the following points;

- 1 Increasing the number of TPO'd trees from 2 to 5.
- 2 The order was not issued in time to protect trees which had already removed.

- 3 The trees which are now protected have not been removed.
- 4 The site owner has not disregarded the TPO.
- 5 The trees create an issue for the proposed development. The owner is prepared to discuss a landscaping scheme which includes planting new trees as a replacement.

## **7 Appraisal**

- 7.1 The key issue is whether the owner has raised any issues in objection which would justify the removal of the trees and as such lead to the TPO not being confirmed.
- 7.2 Points 1 to 4 are accepted but do not form objections to the TPO.
- 7.3 Point 5 suggests that the trees create an issue for the proposed development, but the owner has not identified what the issues are. It is accepted that a landscaping scheme would be required as part of any future development this would be achieved by way of condition on any planning permission.

## **8.0 Conclusion**

- 8.1 The Silver Birch trees are of significant amenity value and should continue to be protected by the Wolverhampton City Council (Land to the rear of 15 Tinacre Hill No 2) Tree Preservation Order 2014.

## **9.0 Detailed Recommendation**

- 9.1 That the Wolverhampton City Council (Land to the rear of 15 Tinacre Hill No 2) Tree Preservation Order 2014 be confirmed .