

**TREE PRESERVATION ORDERS COMMITTEE**

Monday, 8th September, 2008, at 2.00 p.m. in  
Committee Room 3, The Council House, Dudley

**PRESENT:-**

Councillor James (Chairman)  
Councillors Mrs Aston, D Blood, Cotterill (for site visit but not the meeting), K Finch, Ms Nicholls, Mrs Rogers, Southall and Sparks (for site visit but not the meeting).

**Officers**

Mr J Dunn and Mr C Mellor (Directorate of the Urban Environment),  
Miss S Ahmed and Miss K Fellows (Directorate of Law and Property).

18 **APOLOGIES FOR ABSENCE**

Apologies for absence from the meeting were submitted on behalf of Councillors Cotterill and Sparks.

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19 **DECLARATIONS OF INTEREST**

No member made a Declaration of Interest in accordance with the Members' Code of Conduct.

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20 **MINUTES**

**RESOLVED**

That the minutes of the meeting of the Committee held on 11<sup>th</sup> August, 2008, be approved as a correct record and signed.

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21 **SITE VISITS**

Consideration was given to the following applications in respect of which site visits had been made by the Committee prior to the meeting.

- (i) Plan no. PO8/1144 - 3 and 5 Round Hill, Sedgley –  
Fell 1 Lime Tree

The members of the Committee commented that following their site visit, it had been noted that the lime tree to which this application referred to had been pollarded.

Decision:- Refused, for the reason set out in the report of the Director of the Urban Environment.

That the Principal Planning Enforcement Officer be requested to carry out an urgent investigation and report orally at the next meeting of the Committee as to the full facts surrounding the pollarding of the lime tree, the subject of a Tree Preservation Order.

- (ii) Plan no. P08/0993 – 36 Tansley Hill Road, Dudley –  
PART A: Fell 1 Ash Tree  
PART B: Fell 1 Sycamore Tree  
PART C: Prune 1 Ash Tree and 1 Birch tree  
PART D: Fell 1 Hawthorn Tree

Decision: Approved, subject to condition 3 as set out in the Report of the Director of the Urban Environment and to two amended conditions numbered 1 and 2 as follows:-

1. Notwithstanding any of the details on the submitted application forms, the works hereby approved are as follows:-

Schedule:

T1 – Ash – Fell

T2 – Sycamore – Fell

T3 – Ash – Crown reduce by no more than 20%. All work to leave a well balanced crown.

T4 – Birch – Crown lift, on the side of the tree closest to the house to no more than 6 metres clearance from ground level by the removal of secondary branches only.

T5 – Hawthorn – Fell

2. Two replacement trees shall be planted between the beginning of November and the end of March, within one year of felling (and replanted if necessary) and maintained until satisfactorily established. The size, species and location of replacement trees shall be agreed in writing with the Local Planning Authority prior to the felling of the trees to which this application relates.

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PLANNING APPLICATIONS

A report of the Director of the Urban Environment was submitted on the following planning applications:-

RESOLVED

That the applications be dealt with as follows:-

- (i) Plan no. P08/1178 – 5 Marylebone Close, Amblecote, Stourbridge – Fell 1 Sycamore Tree

Decision: Approved, subject to conditions numbered 1 to 3 (inclusive) as set out in the report of the Director of the Urban Environment.

- (ii) Plan no. P08/1181 – 78 Lawnswood Road, Wordsley, Stourbridge – Fell 1 Lime Tree

Decision: Refused, for the reason set out in the report of the Director of Urban Environment.

- (iii) Plan no. P08/1205 – 34 Priory Close, Dudley - Crown Reduce 2 Beech Trees and Fell 1 Whitbeam Tree

Decision: Approved, subject to conditions numbered 1 to 3 (inclusive) as set out in the report of the Director of the Urban Environment.

- (iv) Plan no. P08/1215 – Plot 1 Quarry Park Road, Stourbridge – Fell 2 Conifer Trees and Crown Reduce 1 Conifer tree

Decision: Approved, subject to conditions numbered 1 to 3 (inclusive) as set out in the report of the Director of the Urban Environment.

MATTER RAISED BY COUNCILLOR COTTERILL

Following comments made previously by Councillor Cotterill regarding the planting of replacement trees the Senior Legal Assistant (Legal and Democratic Services) reported that she would advise against the Local Authority undertaking the obligation of replanting trees and levying a charge against applicants for this as the Local Authority could then become ultimately responsible for the maintenance of the re-planted tree.

It was further reported that the Town and Country Planning Act 1990, Sections 206 and 207 set out the obligations upon the local authority to ensure that replacement trees had been planted and specified the enforcement action that the Local Authority could take against the applicant should the condition to replace the tree not be adhered to.

## RESOLVED

That the information given, in relation to the planting of replacement trees, be noted.

The meeting ended at 3.15 pm

**CHAIRMAN**