

TREE PRESERVATION ORDERS COMMITTEE

REPORT OF THE DIRECTOR OF THE URBAN ENVIRONMENT

CONFIRMATION OF TREE PRESERVATION ORDERS

PURPOSE OF REPORT

1. To consider whether or not the below Tree Preservation Order(s) should be confirmed with or without modification in light of the objections that have been received.

BACKGROUND

2. Section 198 of the Town and Country Planning Act 1990, provides that, where it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order.
3. A tree preservation order may, in particular, make provision—
 - (a) for prohibiting (subject to any exemptions for which provision may be made by the order) the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of trees except with the consent of the local planning authority, and for enabling that authority to give their consent subject to conditions;
 - (b) for securing the replanting, in such manner as may be prescribed by or under the order, of any part of a woodland area which is felled in the course of forestry operations permitted by or under the order;
 - (c) for applying, in relation to any consent under the order, and to applications for such consent, any of the provisions of this Act mentioned in subsection (4), subject to such adaptations and modifications as may be specified in the order.
4. Section 201 of the Town and Country Planning Act 1990 allows for the Council to make a direction that the order shall take effect immediately for a provisional period of no more than six months.
5. For a tree preservation order to become permanent it must be confirmed by the local planning authority. At the time of confirmation any objections that have been received must be taken into account. The Town and Country Planning (Trees) Regulations 1999 sets out the procedure for confirming tree preservation orders and dealing with objections.

6. If the decision is made to confirm a tree preservation order the local planning authority may choose to confirm the order as it is presented or subject to modifications.
8. New tree preservation orders are served when trees are identified as having an amenity value that is of benefit to the wider area.
7. When determining whether a tree has sufficient amenity to warrant the service of a preservation order it is the council's procedure to use a systematic scoring system in order to ensure consistency across the borough. In considering the amenity value of a tree factors such as the size; age; condition; shape and form; rarity; prominence; screening value and the presence of other trees present in the area are considered.
8. As the council is currently undergoing a systematic review of the borough's tree preservation orders; orders will also be served where there is a logistical or procedural benefit for doing so. Often with the older order throughout the borough new orders are required to replace older order to regularise the levels of protection afforded to trees.
9. Where new orders are served to replace older orders, the older orders will generally need to be revoked. Any proposed revocation of orders shall be brought before the committee under a separate report.

FINANCE

10. There are no direct financial consequences arising from this report although the Committee may wish to bear in mind that the refusal or approval subject to conditions, of any subsequent applications may entitle the applicant to compensation for any loss or damage resulting from the Council's decision (Section 203 of the Town and Country Planning Act 1990)

LAW

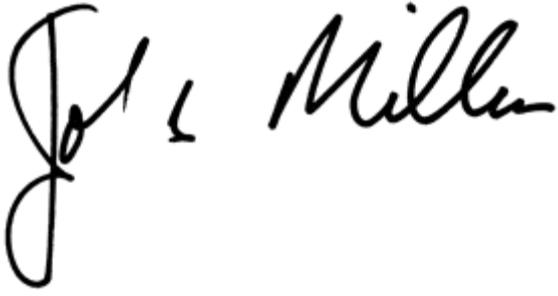
11. The relevant statutory provisions have been referred to in paragraph 2, 4 and 10 of this report.

EQUALITY IMPACT

12. The proposals take into account the Council's Equality and Diversity Policy.

RECOMMENDATION

13. It is recommended that the tree preservation order(s) referred to in the Appendix to this report should be confirmed.



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DIRECTOR OF THE URBAN ENVIRONMENT

Contact Officer: James Dunn
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E-mail james.dunn@dudley.gov.uk

List of Background Papers

*APPENDIX 1 – TPO/0018/SED – Rear of 20, 24, 26 & 32 Turls Hill Road
Copy of TPO plan and schedule.
Copies of objections from Local Resident.
Response to objections.*

APPENDIX 1

***The Borough of Dudley (Rear of 20,24,26 & 32 Turls Hill Road, Sedgley
(TPO/0024/AMB)) Tree Preservation Order 2008***



Map referred to in
 The Borough of Dudley (Rear of 20, 24, 26 & 32 Turls Hill Road,
 Sedgley (TPO/0018/SED)) Tree Preservation Order 2008



DIRECTORATE OF THE URBAN ENVIRONMENT,
 Director of the Urban Environment,
 John Millar

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually (Encircled in black on the map)

Reference on Map	Description	Situation
T1	Beech	Rear garden of 20 Turls Hill Road, Sedgley
T2	Ash	Rear garden of 24 Turls Hill Road, Sedgley
T3	Ash	Rear garden of 26 Turls Hill Road, Sedgley
T4	Oak	Rear garden of 32 Turls Hill Road, Sedgley

Trees specified by reference to an area (Within a dotted black line on the map)

Reference on Map	Description	Situation
		NONE

Groups of trees (Within a broken black line on the map)

Reference on Map	Description	Situation
		NONE

Woodlands (Within a continuous black line on the map)

Reference on Map	Description	Situation
		NONE


01902
661577

J. D. Woodhall.
26, Turlis Hill Road,
Sedgley, Dudley,
West Midlands,
DY3 1HG
11th July 2008

RE TREE PRESERVATION ORDER 2008 -
SEDGLEY (TPO/0018/SED)

Dear Sirs,

Re the Ash Tree at the rear of my garden.

I have always admired large beautiful trees, and I am very much in favour of tree preservation orders in the right circumstances.

However, all large trees are a potential risk when close to property, and with this in mind I had plans to lower and lop the tree in question, as it is growing very near to my garage where my car etc. is kept, also large branches overhang adjoining gardens, I therefore wish to object to the order being permanent on this Ash tree at the rear of my garden, as I would prefer to control it as necessary.

Yours sincerely,
RECEIVED
DIRECTORATE OF THE
URBAN ENVIRONMENT

15 JUL 2008 J. D. Woodhall.

ORIGINAL:
REDIRECT:

Roy Hambleton
63 Tipton Street
Sedgley
DY3 1HE

Your Ref 100482
14th July 2008

Nagina Hussain
Tree Preservation Order Support Officer
Development Control Section
3 St James Road
Dudley
DY1 1HL



Dear Ms Hussain

**TREE PRESERVATION ORDER 2008
REAR OF TURLS HILL ROAD.**

Please find attached as requested the completed Form 1 regarding the above TPO.

I am also writing to make known my delight in the making of the above temporary TPO and await notification that the Order will be given permanent status.

I had hoped that more trees could have been included within the Order to increase and maintain the positive contribution they make to the amenity of Tipton Street, Tipton Road and Turls Hill Road area of Sedgley by their visual appearance.

Yours sincerely

A handwritten signature in blue ink, appearing to be "R Hambleton".

Roy Hambleton

TREE PRESERVATION ORDERS COMMITTEE – 8TH November 2010

The Borough of Dudley (Rear of 20, 24, 26 & 32 Turls Hill Road, Sedgley (TPO/0024/AMB)) Tree Preservation Order 2008

The Borough of Dudley ((Rear of 20, 24, 26 & 32 Turls Hill Road, Sedgley (TPO/0024/AMB)) Tree Preservation Order 2008 was served on the persons known to be affected on the 24th June 2008.

The preservation order covers Beech tree, 2 Ash trees and an Oak tree that are situated in the rear gardens of 20, 24, 26 & 32 Turls Hill Road, Sedgley.

Following the service of the order an objection was received from the occupier 26 Turls Hill Road. The objection was raised as the objector, the owner of T3 of the order, wished to be able to undertake management work to the tree as necessary, and considered that the TPO will prevent this.

The service of a TPO does not prevent tree owners undertaking works to the trees. There is a provision within every TPO to allow people to make application to the Council to get permission to undertake tree works. In affect this ensures that any tree works that are approved are appropriate to the tree, and justified in relation to the condition of the tree and the amenity that it provides to the area.

As the objector will still be able to undertake appropriate works, subject to the receipt of permission, it is not considered that the objection is justified bearing in mind that the confirmation of the TPO will allow for the long term retention and protection of the tree.

A letter of support was received from and adjacent resident at 63 Tipton Street. They support the order on the grounds that they consider the tree to provide a high amount of amenity to the surrounding area.

Members need to consider whether the objections raised are sufficient to prevent the confirmation of the TPO either in whole or in part.

RECOMMENDATION

It is recommended that the Tree Preservation Order is confirmed without modification.