



## *Walsall Metropolitan Borough Council*

---

---

### DEVELOPMENT CONTROL COMMITTEE: –

10<sup>th</sup> January 2006

### REPORT OF ASSISTANT DIRECTOR FOR URBAN REGENERATION

### **CONFIRMATION OF TREE PRESERVATION ORDER No. 8 OF 2005 ON LAND AT 8 FOLEY ROAD EAST, STREETLY.**

#### **1. PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order No 8 of 2005. This item has already been brought in front of this committee on the 11<sup>th</sup> October 2005. The report that accompanied that item did not show the modifications correctly and as a consequence the committee are respectfully asked to reconsider the application and its wishes to confirm the order in this modified form.

#### **2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Rescind its previous decision in this matter.
- (ii) Confirm the Walsall Tree Preservation Order No 8 of 2005 in modified form. A plan showing the Tree Preservation Order is attached to this report.
- (iii) Support the reason for making the Tree Preservation Order set out in paragraph 1.2.
- (iv) 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 8 of 2005 is located within Streetly Ward.

**9. CONSULTEES**

Owners and near neighbours were sent copies of the Tree Preservation Order and invited to make representations to the Council in both opposition and support of this Tree Preservation Order. Any response is described within the report.

**10. CONTACT OFFICER**

Ian McDermott - Extension: 2447

**11. BACKGROUND PAPERS**

Tim Johnson,  
DIRECTOR FOR URBAN REGENERATION

DEVELOPMENT CONTROL COMMITTEE: –

11<sup>th</sup> October 2005

CONFIRMATION OF TREE PRESERVATION ORDER 8 OF 2005 ON No.8  
FOLEY ROAD EAST.

1.0 **REPORT DETAIL.**

- 1.1 Under delegated Authority Officers of Walsall MBC made and served the order 8 of 2005 to protect the trees on site which were the subject of an extant planning permission.
- 1.2 The Tree Preservation Order No 8 of 2005 was made on 15<sup>th</sup> April 2005. The reason given for the making of the Tree Preservation Order was as follows:

‘the trees included in the Tree Preservation Order are visually prominent specimens which contributes to the visual amenity of the neighbourhood and provides environmental benefits’.
- 1.3 The minimum six week period allowed for objection to the Order expired on 27<sup>th</sup> May 2005 No responses have been received.
- 1.4 The reason this matter has been placed as a late item in front of Committee is that the 6 months that the order will be in force for will expire before the next Committee sits. It is therefore imperative that this TPO is confirmed before the 15<sup>th</sup> October 2005 or the TPO will lapse.
- 1.5 The Committee is therefore recommended to confirm Tree Preservation Order No 8 of 2005 in its modified form.

Walsall MBC Tree Preservation Order No.8 of 2005, 8 Foley Road East, Streetly.



**Walsall**  
Metropolitan Borough Council

Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office. Crown Copyright reserved. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.  
LICENCE NO: 100019529

Scale 1/500 Date 5/10/2005

Centre = 408560 E 298576 N  
Ian McDermott

