



## *Walsall Metropolitan Borough Council*

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### DEVELOPMENT CONTROL COMMITTEE: –

10<sup>th</sup> January 2006

### REPORT OF ASSISTANT DIRECTOR FOR URBAN REGENERATION

### **CONFIRMATION OF TREE PRESERVATION ORDER No. 10 OF 2005 ON LAND TO THE FRONT OF 44, 50, 60 AND 62 Birmingham Road, Walsall**

#### **PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order No 10 of 2005. This item was brought before this committee on the October 11<sup>th</sup> 2005 agenda with an error on the schedule. The Members are respectfully requested to reconsider this report in the light of the modifications.

#### **2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Rescind the previous approval to confirm this TPO.
- (ii) Confirm the Walsall Tree Preservation Order No 10 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 10 of 2005 is located within St. Matthews 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**

Gordon Dewdney - Extension: 2447

**11. BACKGROUND PAPERS**

Tim Johnson,  
ASSISTANT DIRECTOR FOR URBAN REGENERATION

DEVELOPMENT CONTROL COMMITTEE: –

2<sup>nd</sup> November 2005

CONFIRMATION OF TREE PRESERVATION ORDER 10 OF 2005 ON  
LAND AT 44, 50, 60 AND 62 BIRMINGHAM ROAD, WALSALL

1.0 **REPORT DETAIL.**

- 1.1 A local tree surgeon known to the council and a participant on our recommended contractors' scheme advised officers of attempts made by residents to have inappropriate works carried out on mature trees in Birmingham Road. These trees were not the subject of a Tree Preservation Order or any other legal constraints. It was deemed expedient to protect these trees as soon as possible in order to preserve them for their amenity and addition to the character of the area. Since the emergency order was made, it has been made clear that two of the trees, T4 and T5, are already covered by TPO 2 of 1966. This order shall therefore be modified so as not to include these trees.
- 1.2 The Tree Preservation Order No 10 of 2005 was made on 11/05/05. 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 contribute to the visual amenity of the neighbourhood and provide environmental benefits’.
- 1.3 The minimum six week period allowed for objection to the Order expired on 12/06/2005. One response was been received from the resident of 60 Birmingham Road. The salient points in this communiqué are;
  - 1.3.1 The author has no objection to the TPO including T4 of the order
  - 1.3.2 T3 should not be included in the order because roots have begun to cause movement in the building and the councils attention was drawn to a supporting document in the form of a valuation report from the Halifax dated 9<sup>th</sup> June 2003.
  - 1.3.3 The size of the tree may lead to damage to passing buses
  - 1.3.4 The tree might blow down in strong winds
  - 1.3.5 That the tree will need to be removed to allow additional parking spaces for a proposed dwelling on the land adjacent.
  - 1.3.6 That the expense of clearing up the debris from the tree is considerable.
- 1.4 The Councils response to these points is;
  - 1.4.1 No evidence was supplied to confirm the claim that the building had suffered damage. The supporting document states “Trees close to properties could

cause future damage and specialist advice is recommended". No evidence of specialist advice was supplied.

1.4.2 Remedial pruning of the tree will clear any highway obstruction should it occur, and removal of this tree on those grounds is unsustainable.

1.4.3 There is no discernable evidence that this tree is structurally unsound.

1.4.4 Removal of a TPO'd tree to make way for car parking space is not sustainable and unsupported by any planning requirements

1.4.5 Removal of a healthy tree on the grounds of its biological function is against current Council policy

1.5 The Committee is therefore recommended to confirm Tree Preservation Order No 10 of 2005 in modified form.

44,50 & 60 Birmingham Road, Walsall. TPO 10 of 2005

