



Walsall Metropolitan Borough Council

DEVELOPMENT CONTROL COMMITTEE: –

19th April 2005.

REPORT OF ASSISTANT DIRECTOR FOR URBAN REGENERATION

CONFIRMATION OF TREE PRESERVATION ORDER NO.9 OF 2004, 20 & 22 QUEENS ROAD, WALSALL.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order No9 of 2004

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No9 of 2004 in a modified form. A revised plan showing the Tree Preservation Order is attached to this report along with a revised schedule.
- (ii) Support the reason for making the Tree Preservation Order set out in paragraph 1.2.
- (iii) 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 9 of 2004 is located within the Paddock 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**

File PD1/17/666 relating to Tree Preservation Order No 9 of 2004

Tim Johnson,
ASSISTANT DIRECTOR FOR URBAN REGENERATION

DEVELOPMENT CONTROL COMMITTEE: –

19th April 2005

CONFIRMATION OF TREE PRESERVATION ORDER No 9 OF 2004.

1.0 REPORT DETAIL.

Background Reasons for the Making of this TPO.

The trees, the subject of this Order, are situated on the two properties, 20 & 22 Queens Road. In October 2004 the Council was contacted by a concerned resident that some trees were being removed from the gardens of the properties. After investigation it was found that an option had been made by an agent interested in developing the properties. It was decided at the time that an emergency area TPO was justified. Under delegated authority an emergency TPO was placed on the trees on 12th October 2004 as the trees were considered to be worthy of retention. Subsequently an application was lodged (Ref; 05/0144/FL/E2) for apartment block. A tree survey was provided and the Council has now revised the trees worthy of protection. The trees are prominent in the street scene and are protected for the following reasons:

- *The trees form a prominent landscape feature in the local area and will continue to provide an important item of landscape quality in the future.*
- *The trees add to the amenity and diversity of the immediate area.*
- *The Council's Unitary Development Plan identifies policies for protection of trees and green spaces*

The Site

The site is the 2 gardens, front and back, of the 2 adjacent properties known as 20 & 22 Queens Road, Walsall.

The Surrounding Area

The surrounding area is predominantly suburban in nature, with a relatively low property density and a fairly high tree canopy density.

The Trees

The trees comprise an assortment including Oak, Beech, Ash, Lime, Maple, Cherry, Holly, Hawthorn, Laburnum, Yew, Magnolia, Cedar, Chestnut and Ash.

UDP Policies

The relevant policy for tree protection is ENV19 Existing Woodlands, Trees and Hedgerows. This policy seeks to provide implementation of the objectives of the UDP. Particularly in regard to providing; *a means of protecting trees and woodlands.* The Policy states that; *the council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.*

Relevant Guidance

Guidelines for the making of TPOs are currently contained in the Town and Country Planning Act 1990 (the Act) and the Department of the Environment, Transport and the Regions (DETR); Tree Preservation Orders: The Law and Guide to Good Practice, (2000). Which states that the Local Planning Authority (LPA) may make TPOs if it appears 'expedient in the interests of amenity' to do so. The guidance states that "TPOs should be used to protect selected trees if their removal would have a significant impact on the environment and its enjoyment by the public." The Circular goes on to state that "trees may be worthy of preservation for their intrinsic beauty or their contribution to the landscape." It also states that the benefit of the trees may be present or future.

Future Management of the Order

In regard to trees which overhang adjacent property. The Council will consider if trees should be pruned or felled and replacement planting undertaken. The Council employ a fully qualified officer to deal with these issues and the officer will visit a site and discuss any tree problems with the owner / occupier to assist in the management of the trees.

Representations

Representations were received from 3 local residents requesting the TPO be confirmed.

.

Conclusions

The trees in question are worthy of protection for their contribution to the local landscape, particularly in breaking up the visual roof-scape and providing a quality environment. The trees are a component part of the quality of the local landscape. They will, in the future, also provide a mature visual and wildlife amenity feature that will add quality directly to the local area along with other trees. It is therefore considered expedient in the interests of the amenity of the area to secure the long-term retention of the amenity using a TPO.

Ian McDermott

Arboricultural Officer: Natural Environment.

Environmental Regeneration Services.

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
	None	

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
G1	A group containing 5 Ash, 4 Oak, 3 Chestnut, 2 Sorbus spp. 1 Cedar, 1 Holly, 1 Pine, 1 Maple, 1 Birch, 1 Beech, 1 Hornbeam.	Land at the rear of 20 Queens Road.
G2	A group of trees containing 5 Maple, 2 Ash, 2 Hawthorn, 1 Beech, 1 Magnolia, 1 Laburnum, 1 Holly, and 1 Yew	Land to the front of no.22 Queens Road.
G3	A group of trees containing 2 Maple, 1 Lime, 1 Beech, and 1 Cherry	Land at the rear of 22 Queens Road

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
	None	

