



Walsall Metropolitan Borough Council

DEVELOPMENT CONTROL COMMITTEE: –

31ST January 2006

REPORT OF THE EXECUTIVE DIRECTOR FOR REGENERATION

CONFIRMATION OF TREE PRESERVATION ORDER 20 OF 2005 ON LAND AT THE CORNER OF THAMES ROAD AND SEVERN ROAD, BLAKENHALL.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order No 20 of 2005.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 20 of 2005 in unmodified form. A plan showing the Tree Preservation Order is attached to this report.
- (ii) Support the reason for making the Tree Preservation Order set out in the attached report.
- (iii) Note that 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 20 of 2005 is located within Blakenhall 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: 2449

11. **BACKGROUND PAPERS**

File PD1/17/696 relating to Tree Preservation Order No 20 of 2005.

Tim Johnson,
EXECUTIVE DIRECTOR FOR REGENERATION

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REPORT DETAIL.

Background Reasons for the Making of this TPO.

The trees, the subject of this Order, are situated on a grass verge on the junction of Thames Road and Severn Road, Blakenhall. This land which was formerly within Highways ownership has been transferred to Walsall Housing Group and is now the subject of a planning application which would have implications for the health of these trees. The Tree Preservation Order No 20 of 2005 was made on the 17th August 2005. The reasons given for the making of the Tree Preservation Order were as follows:

- *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*

Consultations

The minimum six week period allowed for objection to the Order expired on 28th September 2005. A response has been received from WHG which is detailed below.

WHG have objected to the making of this TPO on the following grounds;

1. Bloxwich Housing Trust is developing the land to provide elderly persons accommodation
2. There is demand for this type of property in the locality
3. The Trust wishes to maximise the number of properties for development. Therefore would not wish the development to be restricted by the trees having to remain in their existing location
4. The Trust would in consultation with the community ensure the trees are replaced by similar trees.

Response to Objection

The Council are fully supportive of the need for appropriate development. The placing of this TPO upon these trees has the effect of making them a material consideration in the planning process. Planning permission overrides a TPO and if consent is granted for development the Order will enable the Council to ensure that the trees are replaced and not removed prior to any application being lodged.

The Site

The site is along the junction of Severn Road and Thames Road, Blakenhall.

The Surrounding Area

The surrounding area is predominantly residential in nature.

The Trees

The trees are all Service trees and are detailed in Schedule 1 of the order.

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.

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.

Recommendations

The Committee is therefore recommended to confirm Tree Preservation Order No 20 of 2005 in unmodified form.

Severn Road, Walsall, TPO 20 of 2005.



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Date 16/8/2005

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