



## *Walsall Metropolitan Borough Council*

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### DEVELOPMENT CONTROL COMMITTEE: –

15<sup>th</sup> February 2005

### REPORT OF ASSISTANT DIRECTOR FOR URBAN REGENERATION

### CONFIRMATION OF TREE PRESERVATION ORDER No. 3 OF 2004 ON TREE FRONTING 18 BELL ROAD, PARK HALL, WALSALL, WS5 3JW

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

- 1.1 To seek permission from this Committee for the confirmation of the Tree Preservation Order No.3 of 2004.
- 1.2 For the following reasons; To protect one of the finest and oldest Ash trees in the Borough of Walsall during and after construction on the site.

#### **2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 3 of 2004 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 paragraph 1.2.

#### **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 18 of 2004 is located within Park Hall.

9. **CONTACT OFFICER**

Gordon Dewdney - Extension: 2447

10. **BACKGROUND PAPERS**

None

Tim Johnson,

ASSISTANT DIRECTOR FOR URBAN REGENERATION

DEVELOPMENT CONTROL COMMITTEE: –

15<sup>th</sup> February 2005

**CONFIRMATION OF TREE PRESERVATION ORDER 3 OF 2004 ON 18  
BELL ROAD, PARK HALL, WALSALL**

**1.0 REPORT DETAIL.**

- 1.1 At the Development Control Committee of 5<sup>th</sup> October 2004, permission was granted for the construction of a frontal and rear extension to the property at 18 Bell Road. (04/1427/FL/H4)
- 1.2 There is a magnificent ash tree growing in the front garden which will not be affected by the development or cause unreasonable nuisance to the occupiers of this property once the extension is built. The tree was considered by officers to be at risk of removal to facilitate the construction process. It is the only tree of this size in the neighbourhood and was felt to justify a Tree Preservation Order.

The Tree Preservation Order Number 3 of 2004 was made on 7/10/04. The reason given was;

‘The tree included in the Tree Preservation Order is visually prominent and its continued retention is desirable for the visual and environmental benefits it provides’.

**Representations**

- 2.0 The minimum six week period allowed for objections to the Tree Preservation Order expired on 18/11/04. To date, there have been two letters of objection received to the Tree Preservation Order and one in support.
- 2.1 The owner of the tree is dissatisfied with the imposition of the Tree Preservation Order when none existed when he purchased the property. The owner’s solicitor applied for permission to fell the tree claiming subsidence damage caused by the tree. No evidence was supplied to substantiate the claim and further evidence is awaited. Subsequently the application was withdrawn. It should be noted that the owner has not raised any objections relating to problems of constructing the extension for which he has planning permission.
- 2.2 The owner of 16 Bell Lane has objected to the Tree Preservation Order because of the problem of overhanging branches. This problem could easily be remedied through sympathetic tree surgery for which there is unarguably a need. An application for pruning works has been received and approved (04/2311/TR/T3).
- 2.3 Other residents from Bell Road who were not included in the consultation wrote or phoned in support of the Tree Preservation Order.
- 3.0 The visual importance of this tree justifies its protection. None of the objections received are substantial in nature. The committee is therefore recommended to confirm Tree Preservation Order No.3 of 2004 in unmodified form.