



## *Walsall Metropolitan Borough Council*

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### DEVELOPMENT CONTROL COMMITTEE: –

28<sup>th</sup> June 2005-06-13

### REPORT OF ASSISTANT DIRECTOR FOR URBAN REGENERATION

### **CONFIRMATION OF TREE PRESERVATION ORDER No.2 OF 2005 ON LAND AT 39A, 41 AND 43 FOLEY ROAD EAST, STREETLY.**

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

To seek the confirmation of the Tree Preservation Order No 2 of 2005.

#### **2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 2 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 paragraph 1.2.
- (iii) Note that one representation has 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 2 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**

Gordon Dewdney - Extension: 2447

11. **BACKGROUND PAPERS**

Tim Johnson,  
ASSISTANT DIRECTOR FOR URBAN REGENERATION

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28<sup>th</sup> June 2005

CONFIRMATION OF TREE PRESERVATION ORDER No. 2 OF 2005 ON  
LAND AT 39A, 41 AND 43 FOLEY ROAD EAST, STREETLY

1.0 **REPORT DETAIL.**

- 1.1 Following pre application enquiries for development of this site, an emergency Tree Preservation Order was imposed to protect the trees through the construction process.
- 1.2 The Tree Preservation Order No 2 of 2005 was made on 19/01/05. The reason given for the making of the Tree Preservation Order was as follows:
- ‘the tree included in the Tree Preservation Order is a visually prominent specimen which contributes to the visual amenity of its neighbourhood and provides environmental benefits’.
- 1.3 The minimum six week period allowed for objection to the Order expired on 02/03/2005. One response has been received from Mr and Mrs O’Dea of 29 Astor Road, Sreetly. They have asked, whilst not objecting to the TPO as such, that a tree included within the order be taken into consideration at a later date as they have concerns that it may cause damage to their property. This should not prevent the confirmation of this TPO as applications to deal with problem trees on the site will be given due and reasonable consideration.
- 1.4 The Committee is therefore recommended to confirm Tree Preservation Order No 2 of 2005 in unmodified form.