



Walsall Metropolitan Borough Council

DEVELOPMENT CONTROL COMMITTEE: –

30th March 2005

REPORT OF ASSISTANT DIRECTOR FOR URBAN REGENERATION

CONFIRMATION OF TREE PRESERVATION ORDER 7 OF 2004 AT 36 NEW ROAD, BROWNHILLS.

1. **PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order No 7 of 2004.

2. **RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 7 of 2004 in modified form. A plan showing the modified Tree Preservation Order is attached to this report.
- (ii) Support the reason for making the Tree Preservation Order set out in the accompanying report.
- (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 7 of 2004 is located within Brownhills 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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CONFIRMATION OF TREE PRESERVATION ORDER 7 OF 2004 AT 36
NEW ROAD, BROWNHILLS

1.0 **REPORT DETAIL.**

1.1 Officers received calls from residents of New Road about approaches made to purchase land adjoining 36 New Road for housing development. The land at 36 New Road had recently been sold at auction. The rear of No.36 contains a good number of trees which are home to birds and other wildlife that the residents were concerned about losing. They also provide a screen between the proposed development and the houses of Vicarage Road.

1.11 Believing these trees to be under threat from construction, officers made an emergency Tree Preservation Order covering the entire area. Following a Tree Condition Survey by Rob Keyzor, an arborist working for First Post Homes, the order was amended on 03/03/05 to include only the trees considered worthy of preservation on health and condition grounds.

1.2 The Tree Preservation Order No 7 of 2004 was made on 19/10/2004. 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 30/11/2004. One response has been received from Rob Keyzor, Tree Surgeon and Arboricultural Consultant, acting as agent for First Post Homes.

1.4 Mr. R Keyzor objects that the order is;

“poorly made and so all embracing as to include many trees that are not visually prominent, the visual benefits of which are mostly limited to the rear garden of the person who planted them and a limited number of people immediately adjacent.”

At the time of making, this TPO was designed to cover the entire rear garden and all trees therein so as to quickly protect the trees and not alert the owners to the councils’ intentions. Since then, the council has surveyed the trees and proposes to confirm a modified order containing just seven trees from the original order, all of which have considerable amenity benefits to the surrounding properties, especially in light of application 05/0460/OL/E5 for redevelopment of the property. Mr. Keyzors objection has therefore been, to some degree, addressed.

1.4 The Committee is therefore recommended to confirm Tree Preservation Order No. 7 of 2004 in modified form.

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	Sycamore	Front Garden, Right (Tag 709)
T2	Sycamore	Rear Garden, R/H (Tag 713)
T3	Sycamore	Rear Garden, R/H (Tag 714)
T4	Sycamore	Rear Garden, R/H (Tag 717)
T5	Sycamore	Rear Corner, R/H (Tag 722)
T6	Sycamore	Rear Corner, R/H (Tag 723)
T7	Ash	Rear Garden, L/H (Tag 751)

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
None		

Groups of trees

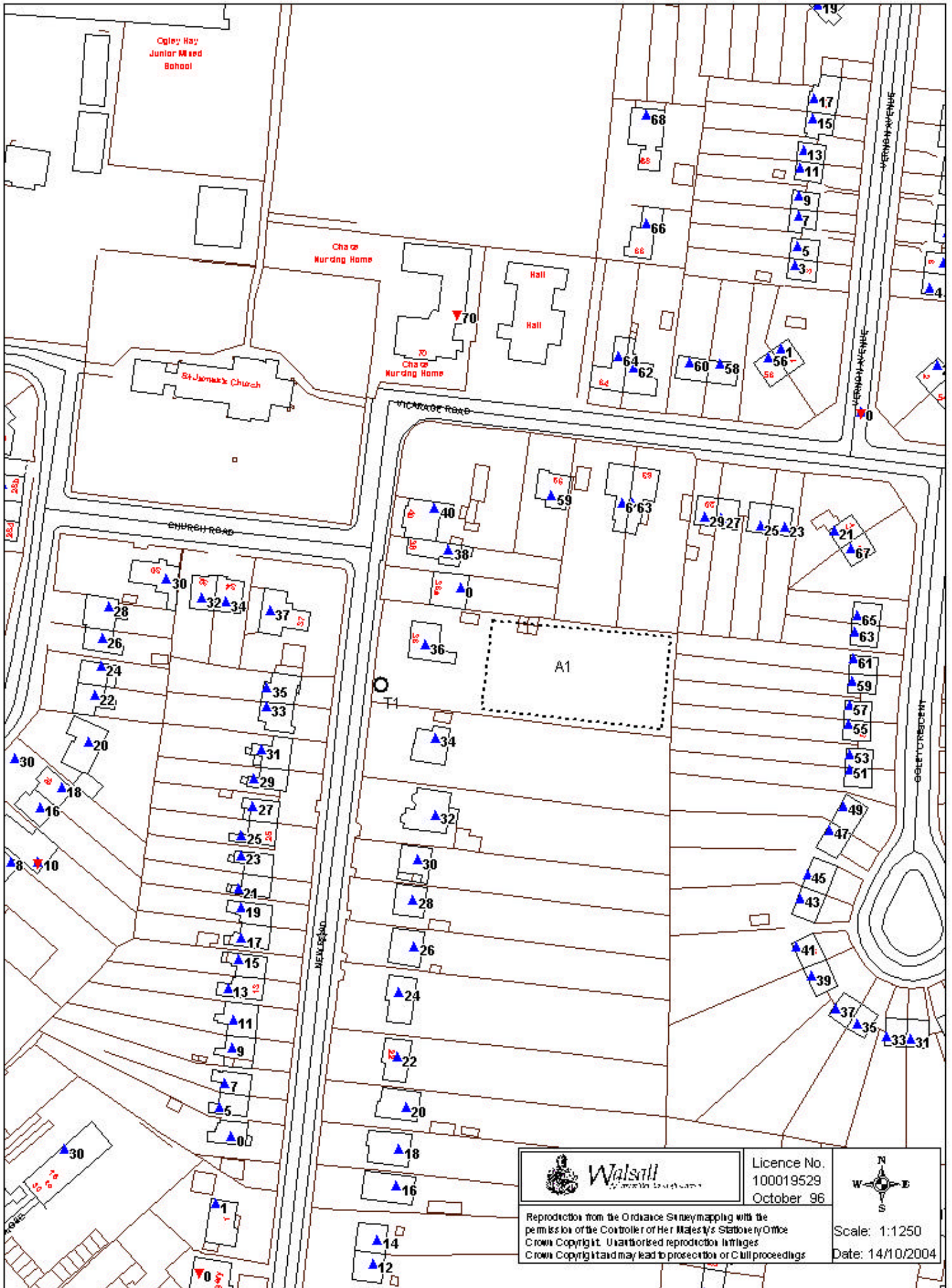
(within a broken black line on the map)



Reference on map	Description	Situation
None		

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
None		



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