



---

---

DEVELOPMENT CONTROL COMMITTEE: –

11 December 2007

REPORT OF THE INTERIM HEAD OF REGENERATION -  
DELIVERY AND DEVELOPMENT

**CONFIRMATION OF TREE PRESERVATION ORDER 20 OF  
2007 ON LAND AT GARAGES TO THE REAR OF 37 EMERY  
CLOSE, WALSALL, WS1 3AL**

**1. PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order No 20 of 2007.

**2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 20 of 2007 in a modified 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 report detail, paragraph 1.1.
- (iii) Note that four 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 2007 is located within St Mathews Ward.

9. **CONSULTEES**

Owners and near neighbours were sent copies of the Tree Preservation Order and invited to make representations to the Council in either opposition or support of this Tree Preservation Order. Any response is described within the report.

10. **CONTACT OFFICER**

David Lomas - Extension: 2594

11. **BACKGROUND PAPERS**

File PD1/17/788 relating to Tree Preservation Order No 20 of 2007.

**Simon Tranter,**  
INTRIM HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

DEVELOPMENT CONTROL COMMITTEE: –

11 December 2007

CONFIRMATION OF TREE PRESERVATION ORDER 20 OF 2007  
AND TO LAND AT GARAGES AT THE REAR OF 37 EMERY CLOSE,  
WALSALL, WS1 3AL

1.0 **REPORT DETAIL.**

1.1 The Tree Preservation Order No 20 of 2007 was made on 12 July 2007. The trees are visually prominent in the street scene and were 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 trees are at risk from excessive pruning by the neighboring property owners and making an emergency Tree Preservation Order will discourage premature removal of important trees
- The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces

1.2 The minimum six week period allowed for objection to the Order expired on 23 August 2007. Four responses has been received to this Preservation Order.

- The Occupiers of 27, 35, 37, 39, 41, 43 and 47 Emery Close petitioned as one, who stated that the trees were in fact in the rear gardens of Drayman Close and not in the area around the garages and were worried about the responsibility for the trees being placed solely on them

The Council's response to this objection is that the trees have been re-situated on Schedule 1 to show them on the boundary between the two sets of properties, as it is unclear as to tree ownership

- The Occupiers of 7, 9 and 11 Drayman Close have submitted separate objects to the Preservation Order on the grounds of the lack of light within the gardens, the lack of maintenance by the tree owners and also the uncertainty as to who owns the land behind the fences.

The Council's response to these objections is:

- Although the trees over hang the rear gardens of Drayman Close, they have in the past been pruned to a poor standard, the trees are on the northern boundary of the north facing gardens and as such do not restrict the direct sunlight to the garden. The Tree Preservation Order does not prevent the maintenance of the protected trees.
- It is the responsibility of the owner of the trees to maintain the trees, the Tree Preservation Order does not prevent the trees being maintained, it just adds a control measure to ensure good quality and correct works being carried out
- The lack of clarity of land ownership does not prevent the Council from protecting important trees
- The trees are safe and have sufficient amenity value to justify the Tree Preservation Order

1.3 The Committee is therefore recommended to confirm Tree Preservation Order No 20 of 2007 in a modified form.



**SCHEDULE 1 -  
Revised**

**SPECIFICATION OF  
TREES**

**Garages to the rear of 37 Emery Close, Walsall**

**Tree Preservation Order No 20/2007**

**Trees Specified Individually  
(encircled in black on the map)**

| <b>Reference on Map</b> | <b>Description</b> | <b>Situation</b>  |
|-------------------------|--------------------|---|
| T1                      | Sycamore           | On the boundary of the garages to the rear of 37 Emery Close and 5 Drayman Close  |
| T2                      | Sycamore           | On the boundary of the garages to the rear of 37 Emery Close and 5 Drayman Close  |
| T3                      | Sycamore           | On the boundary of the garages to the rear of 37 Emery Close and 7 Drayman Close  |
| T4                      | Sycamore           | On the boundary of the garages to the rear of 37 Emery Close and 9 Drayman Close  |
| T5                      | Sycamore           | On the boundary of the garages to the rear of 37 Emery Close and 11 Drayman Close |
| T6                      | Birch              | Rear garden of 15 Drayman Close   |
| T7                      | Sycamore           | Rear garden of 15 Drayman Close   |

**Groups of Trees  
(within a broken black line on the  
map)**

| <b>Reference on Map</b> | <b>Description</b> | <b>Situation</b> |
|-------------------------|--------------------|------------------|
| NONE                    |                    |                  |

**Woodlands  
(within a continuous black line on the  
map)**

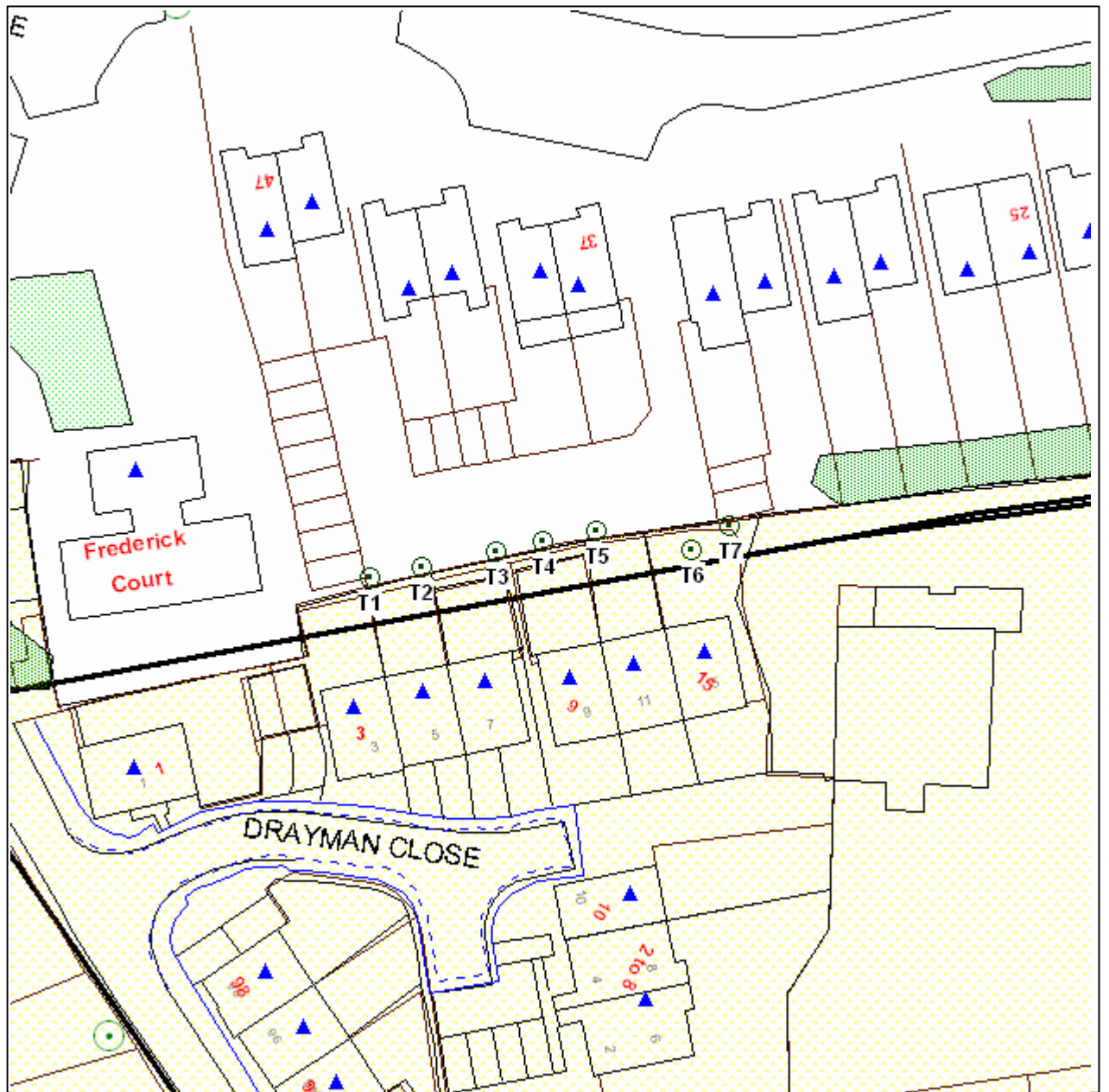
| <b>Reference on Map</b> | <b>Description</b> | <b>Situation</b> |
|-------------------------|--------------------|------------------|
| NONE                    |                    |                  |

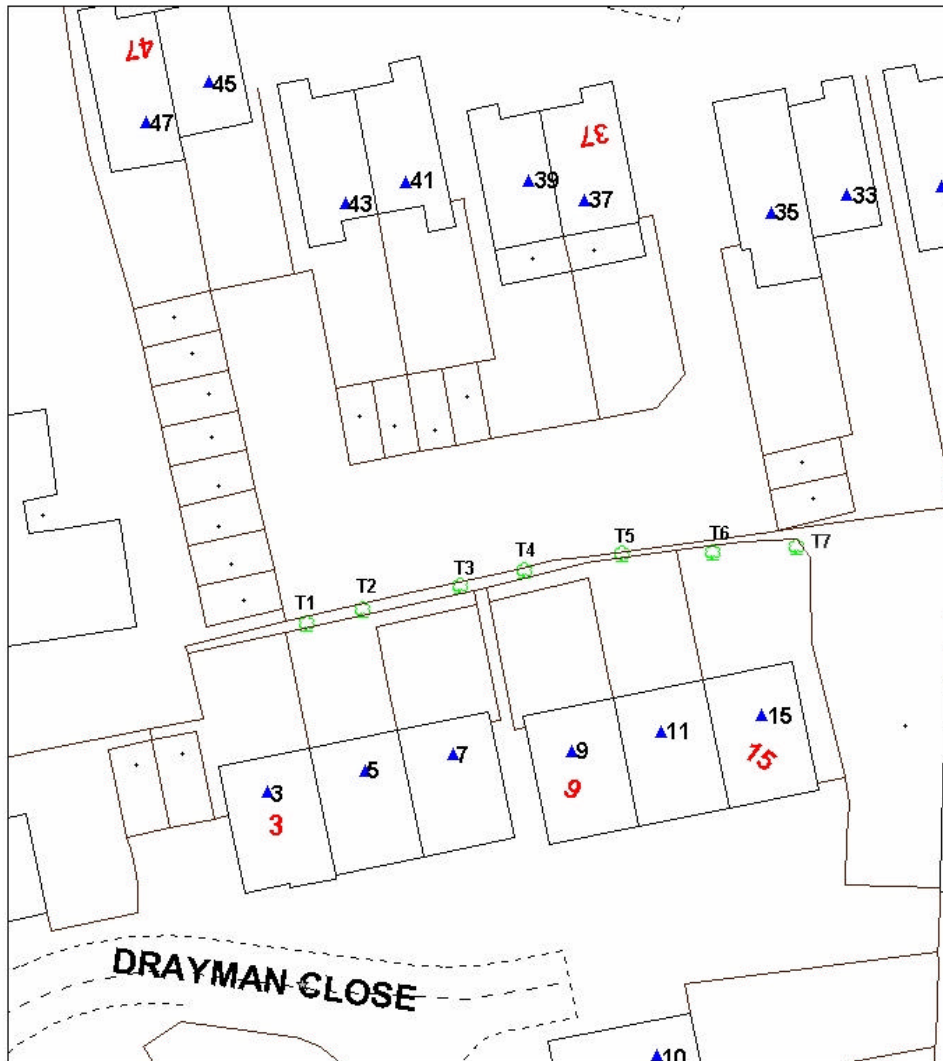
**Reference to an Area  
(within a dotted black line on the  
map)**



| <b>Reference on Map</b> | <b>Description</b> | <b>Situation</b> |
|-------------------------|--------------------|------------------|
| NONE                    |                    |                  |

|              |              |
|--------------|--------------|
| <b>Scale</b> | Not to scale |
| <b>Date</b>  | 11/12/2007   |







|  |  |                           |   |
|--|--|---------------------------|---|
|  <b>Walsall Council</b>   | <b>Tree Preservation Order No 20/2007 - Revised</b><br><b>Garages to the rear of 37 Emery Close, Walsall</b> | <b>Scale</b> Not to scale |  |
|  |  | <b>Date</b> 11/12/2007    |   |
| <small>Reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office. Crown Copyright reserved. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. LICENCE NO: 100019529</small> |  |                           |   |



**SPECIFICATION OF TREES**

**Garages to the rear of 37 Emery Close, Walsall**

**Tree Preservation Order No 20/2007**

**Trees Specified Individually  
(encircled in black on the map)**

| <b>Reference on Map</b> | <b>Description</b> | <b>Situation</b>                |
|-------------------------|--------------------|---------------------------------|
| T1                      | Sycamore           | To the rear of the garages      |
| T2                      | Sycamore           | to the rear of the garages      |
| T3                      | Sycamore           | To the rear of the garages      |
| T4                      | Sycamore           | To th erear of the garages      |
| T5                      | Sycamore           | To the rear of the garages      |
| T6                      | Birch              | Rear garden of 15 Drayman Close |
| T7                      | Sycamore           | Rear garden of 15 Drayman Close |

**Groups of Trees  
(within a broken black line on the map)**

| <b>Reference on Map</b> | <b>Description</b> | <b>Situation</b> |
|-------------------------|--------------------|------------------|
| NONE                    |                    |                  |

**Woodlands  
(within a continuous black line on the map)**

| <b>Reference on Map</b> | <b>Description</b> | <b>Situation</b> |
|-------------------------|--------------------|------------------|
| NONE                    |                    |                  |

**Reference to an Area  
(within a dotted black line on the map)**

| <b>Reference on Map</b> | <b>Description</b> | <b>Situation</b> |
|-------------------------|--------------------|------------------|
| NONE                    |                    |                  |