



DEVELOPMENT CONTROL COMMITTEE: –

3 APRIL 2007

REPORT OF THE HEAD OF REGENERATION - DELIVERY AND
DEVELOPMENT

**CONFIRMATION OF TREE PRESERVATION ORDER 63 OF 2006 ON
LAND AT 24 ALNWICK ROAD, BLOXWICH. WALSALL, WS3 3XD**

1. **PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order 63 of 2006.

2. **RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order 63 of 2006 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 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 63 of 2006 is located within Bloxwich West 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 PD1/17/766 relating to Tree Preservation Order 63 of 2006

Steve Lewis,
HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

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1.0 REPORT DETAIL.

- 1.1 The Tree Preservation Order 63 of 2006 was made on 19 December 2006. 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 are under threat from a proposed development
 - The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces
- 1.2 This Tree Preservation Order was made in response to planning application 06/1724/FL/E11 which proposed the construction of a house in the large garden of 24 Alnwick Road. The application was refused on 24 November 2006 on design and tree loss grounds.
- 1.3 The minimum six week period allowed for objection to the Order expired on 30th January 2007. One response has been received from the owner of 24 Alnwick Road who objected to the Tree Preservation Order for the following reasons:
- The trees to be removed do not significantly add to the amenity. There is a public area near the property stocked with trees which is the main feature of the area.
 - The trees are planted in close proximity some of which are showing weakness and would have to be removed in the near future.
 - Tree T47 (T9 within the Tree Preservation Order) has shown root growth protruding above ground damaging lawn and driveway. This will be replaced with a suitable species.
 - Most of the trees will be replaced under the supervision of the tree planning authority.
- 1.4 The objection is supported by a report from an arboriculturalist. The report deals mainly with the impact of the proposed development on the trees.
- 1.5 The tree report recommends the felling of the goat willow (T9 in Tree Preservation Order) because of the unsuitability of the species in its present location. The removal of 5 further trees is proposed to accommodate the development. There was no suggestion that any tree on the site was unsafe or unhealthy. The report

stated that the trees may need thinning in the future to allow their neighbours space to grow or as structural faults develop.

- 1.6 Neither the arboricultural report nor the letter of objection from the householder set out a compelling case for not confirming the Tree Preservation Order. Officers do not accept that the proximity of open space nearby removes the need for the protection of prominent trees in the grounds of private gardens in the neighbourhood. If tree work is required in the future, the owner will need to make an application and, if felling is permitted, replacement planting can be secured.
- 1.7 The Committee is being asked to confirm the Tree Preservation Order in an amended form because the first Tree Preservation Order protected all trees on the site in the interests of speed and efficiency. This is standard practice where a detailed survey may alert a landowner to the Council's intention to make a Tree Preservation Order. Once this Tree Preservation Order was served a more detailed survey was undertaken and individual trees were plotted on an amended Order. A copy of both original and modified orders are attached to this report.
- 1.8 The Committee is therefore recommended to confirm this Tree Preservation Order in modified form.