



## **PLANNING COMMITTEE**

**06 October 2022**

### **REPORT OF THE HEAD OF PLANNING AND BUILDING CONTROL**

#### **CONFIRMATION WITH MODIFICATIONS OF TREE PRESERVATION ORDER NO. 06 OF 2022 AT 25 & 25 LITTLE ASTON ROAD, ALDRIDGE, WALSALL, WS9 0NP.**

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

To seek the confirmation of the Tree Preservation Order No. 06 of 2022 in modified form.

#### **2. RECOMMENDATIONS**

- i. Confirm the Walsall Tree Preservation Order No. 06 of 2022 in a modified form (see report detail for information on the modifications). A plan showing the original Tree Preservation Order is attached to this report along with a plan of the modified Tree Preservation Order and tree schedule.
- ii. Support the reason for making the Tree Preservation Order set out in the report detail, paragraph 10.
- iii. Note that three individual representations, and one petition from 35 nearby households, has been received in respect of this Tree Preservation Order.

#### **3 FINANCIAL IMPLICATIONS**

None.

#### **4 POLICY IMPLICATIONS**

Within National policy – The Town and Country Planning (Tree Preservation)(England) Regulations 2012.

#### **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**

None.

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 sometimes 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 No. 06 of 2022 is located within Aldridge Central and South 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. **REPORT DETAIL**

Tree Preservation Order No. 06 of 2022 was made using the Head of Service's delegated powers on 12<sup>th</sup> April 2022 following requests from residents following the ongoing removal of several trees on site. Consequently, an area classification Tree Preservation Order was made protecting all the trees within the dotted line as indicated on the original Tree Preservation Order plan. The trees were protected for the following reasons:

- The trees are an integral part of the verdant character of the area.
- The trees have demonstrable visible public amenity value.
- The trees add to the amenity and visual diversity of the immediate area.
- The Council have received information that the trees are being felled, which will have a significant detrimental effect on the amenity, aesthetic and landscape value of the locality.

11. The six-week period allowed for objection to the Order expired on 31<sup>st</sup> May 2022. Two letters objecting to the Order have been received, one each from the property owners where the trees are located. One letter, and a petition with signatories from 35 individual households, in support have also been received from nearby residents.

The letters of objection comment as follows:

- The Council has failed to provide a system of assessing amenity value.
- The Council have recklessly protected small garden trees which do not add value to the public realm.

- The trees ... do not constitute an 'integral part of the verdant character of the area' nor do they offer 'demonstrable visible public amenity value' nor do they 'add to the amenity and visual diversity of the immediate area'.
- Some residents in Hallcroft Way previously supported the removal of the trees.
- I believe that following landscaping works, ... already started ..., the remaining trees ... in the rear garden are not visible to either the general public and ... to the surrounding houses.
- The fruit trees are not productive, and the other remaining trees are of no particular significance.
- It is unfair to cover the totality of two large gardens with a TPO, covering "all trees, of whatever species".
- I do not believe that those trees already removed have caused a "significant detrimental effect on the amenity, aesthetic and landscape value of the locality."
- The trees in my rear garden are not visible from the public highway or footpath.
- The trees in the front garden had for a long time been causing blockages with the drains and so I used the opportunity to remove these trees too.

12. The letter of support comments as follows:

- The trees act as a screen between the properties and provide a habitat for wildlife.
- The trees represent an important visual amenity to ourselves and the wider community.
- An Oak tree at the end of 15 Branton Hill Lane may have been planted for the ascension of Queen Victoria.
- If the trees are not protected, it is likely they will be felled.
- The original trees, prior to being felled, would have supported a whole ecosystem and it has been destroyed.
- It is common knowledge in the area that there is a long-term plan for a development. Replacing the trees with houses will detract from the attractiveness of our property and the other houses around us.
- We have witnessed Pipistrelle bats flitting back and forth over the gardens. These bats are on the decline due to loss of habitat.
- We also hear the hoot of our local owl and clearly the trees are an important part of looking after the local wildlife.

The petition states the following in support of the Order:

- The trees represent a valuable visual amenity.
- The area was a haven for wildlife but the previous clearance works has destroyed the ecosystem it supported.
- The trees have a significant life in front of them, being mostly around 60 years old.
- The existing trees will bring substantial benefits to our suburb and will be there to be enjoyed by our children and grandchildren for many years to come.

13. The officer's response to the representations is as follows:

- The area classification Tree Preservation Order is one way of protecting all trees growing within an area as defined on the Orders plan. The area classification is intended for short-term protection in an emergency and may not always be

appropriate to provide long term protection as it only protects the trees standing at the time it was made. Consequently, over time it may become difficult to be certain which trees are protected. In addition, the other drawback of an area classification is that trees that don't merit protection are included in the Order by virtue of being within the area as defined on the plan. Government guidance advises Councils to only use the area classification as a temporary measure until they can fully assess and reclassify the trees within the area.

- In accordance with this guidance and mindful of the representations received a site visit to inspect the trees was made on 20 September 2022. Following the inspection of the trees at nos. 25 and 27 Little Aston Road, WS9 0NP, an amenity assessment was undertaken in accordance with a nationally recognised procedure (TEMPO)<sup>1</sup> on each tree or group of trees deemed worthy of long-term protection in an amended Order. To summarise the methodology, a score of 10 or less indicates a tree would not be worthy of inclusion in a TPO, a score of more than 10 indicates a tree would be worthy of inclusion in a TPO. The scores for the trees in the amended Order range from 18-24 and indicate the trees 'definitely merit protection'. A summary of the scoring is shown below.

	Condition and suitability	Longevity	Public visibility	Other factors	Expediency	Total
T1	5	4	4	5	5	<b>23</b>
T2	5	4	5	5	5	<b>24</b>
T3	5	4	3	1	5	<b>18</b>
T4	5	4	4	2	5	<b>20</b>
T5	5	5	5	2	5	<b>22</b>
G1	5	4	3	1	5	<b>18</b>

Scoring	0	Do not apply TPO
	1-6	TPO indefensible
	7-10	Does not merit TPO
	11-14	TPO defensible
	15+	Definitely merits TPO

- It must be noted at this time that a tree, possibly a Copper Beech, that appears to be part of the linear feature of trees along the rear boundary of 27 Little Aston Road, has not been included in the amended TPO as it appears to be located in the rear garden of 15 Branton Hill Lane and there is no known threat to this tree at present.
- There is no definition of amenity in law but Local Authorities should consider if the removal of a tree would have a significant negative impact on the local environment and that protecting a tree would bring a reasonable degree of public benefit in the present or the future. Government guidance<sup>2</sup> states a tree, or at least part of it, should normally be visible from a public place such as a road or footpath. The trees included in the proposed amended Order are clearly visible from Little Aston Road (between properties), Branton Hill Lane (over the

<sup>1</sup> Tree Evaluation Method for Preservation Orders: Forbes-Laird Arboricultural Consultancy

<sup>2</sup> Tree Preservation Orders and trees in conservation areas: Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government

top of, and in between, houses) and Hallcroft Way (over the top of, and in between, houses). The trees are also clearly visible from within the properties on Little Aston Road, Branton Hill Lane and Hallcroft Way.

- The recommendation is to confirm Tree Preservation Order 06 of 2022 in a modified form. The amended Order would only protect 5 individual trees (1 Silver Birch, 2 Maple, 1 Crimson Norway Maple and 1 Deodar Cedar) and 1 group containing 2 Silver Birch. This modified Order omits all the trees that do not merit protection under the original area classification Order either due to their poor condition, poor form or the presence of faults or defects. In addition, the omission of these trees addresses partially or fully the comments made by the objectors. Screening is also maintained at the rear of the property in support of the Order as 5 of the trees recommended for the continued protection of the Order are situated adjacent the rear garden boundary between the site and properties in Hallcroft Way.

14. **MODIFICATIONS TO TREE PRESERVATION ORDER NO. 06 OF 2022.**

- The modified Tree Preservation Order No. 06 of 2022 will include 1 Silver Birch (T3), 2 Maple (T1 and T2), 1 Crimson Norway Maple (T4), 1 Deodar Cedar (T5), and 2 Silver Birch (G1).

15. Officers have taken account of the representations received and followed Government guidance with regards to reclassifying area Orders. The Planning Committee is therefore recommended to confirm Tree Preservation Order No. 06 of 2022 in a modified form.

16. **CONTACT OFFICER**

Cameron Gibson - 01922 654741

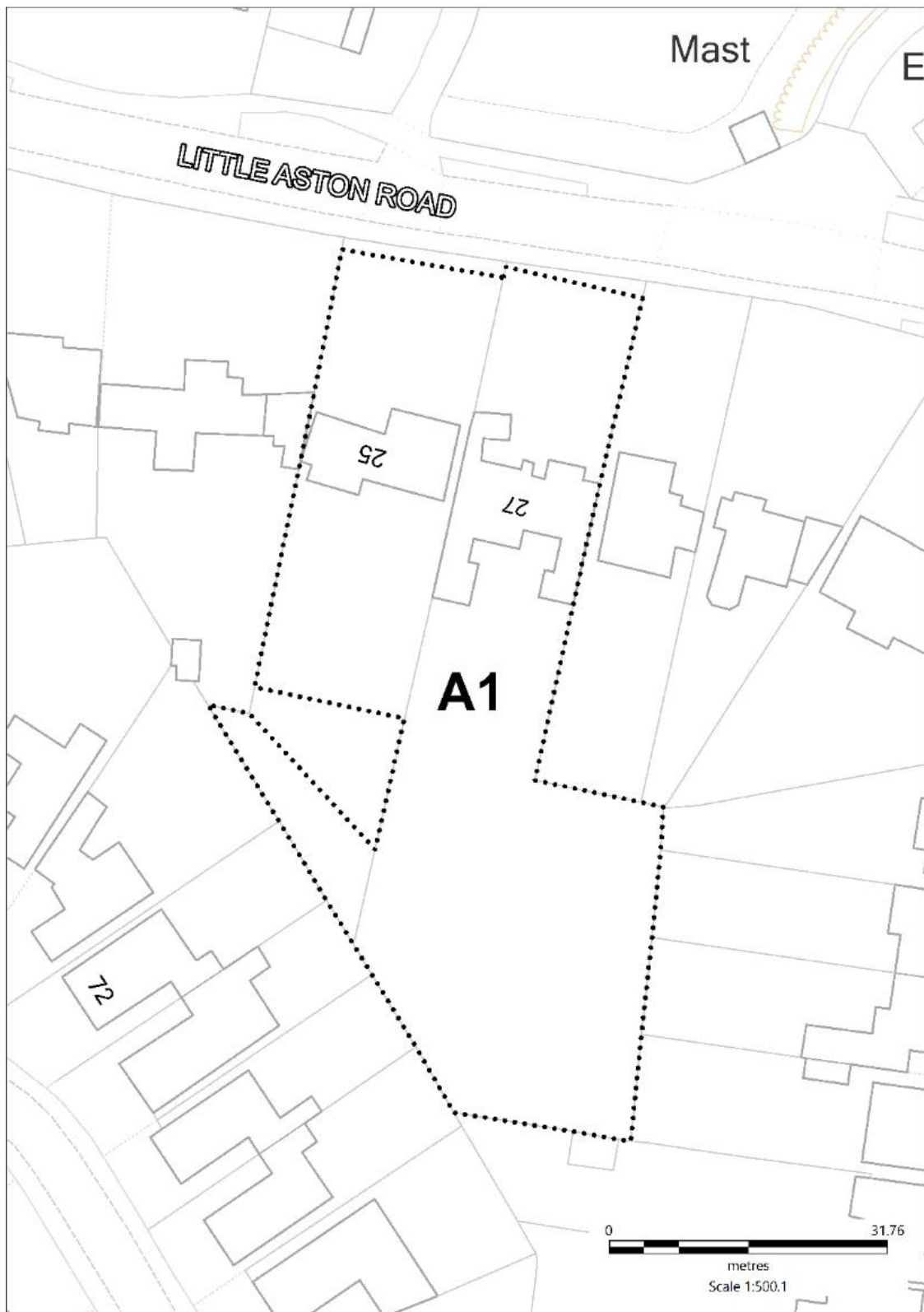
17. **BACKGROUND PAPERS**

File PD1/18/055 relating to Tree Preservation Order No. 06 of 2022.

**Alison Ives,**  
HEAD OF PLANNING AND BUILDING CONTROL.

**TPO 06 of 2022 (original plan)**

**25 & 27 LITTLE ASTON ROAD, ALDSRIDGE WS9 0NP.**



## **SCHEDULE (original)**

### **TPO 06 of 2022 SPECIFICATION OF TREES**

#### **Trees specified individually** (encircled in black on the map)

Reference on map                      Description                      Situation

None		
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#### **Trees specified by reference to an area** (within a dotted black line on the map)

Reference on map                      Description

A1	All trees of whatever species within A1 of the TPO Plan
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#### **Groups of trees** (within a broken black line on the map)

Reference on map                      Description                      Situation

None		
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#### **Woodlands** (within a continuous black line on the map)

Reference on map                      Description                      Situation

None		
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**TPO 06 of 2022 (amended plan)**

**25 & 27 LITTLE ASTON ROAD, ALDRIDGE WS9 0NP.**





## **SCHEDULE (amended)**

### **TPO 06 of 2022 SPECIFICATION OF TREES**

#### **Trees specified individually** (encircled in black on the map)

Reference on map	Description	Situation
T1	Maple	Towards the southeast corner of 27 Little Aston Road.
T2	Maple	On the north side of, and adjacent to, the boundary between the rear gardens of 27 Little Aston Road, 66 Hallcroft Way, and 15 Branton Hill Lane.
T3	Silver Birch	Adjacent to the rear boundary between 27 Little Aston Road and 68 Hallcroft Way.
T4	Crimson Norway Maple	Towards the rear boundary of 27 Little Aston Road, close to the boundary with 25 Little Aston Road, and 9m from the rear boundary with 70 Hallcroft Way.
T5	Deodar Cedar	To the front of 25 Little Aston Road, close to the flank boundary with 23 Little Aston Road, and 6m from the front boundary.

#### **Trees specified by reference to an area** (within a dotted black line on the map)

Reference on map	Description
None	

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

Reference on map	Description	Situation
G1	2 x Silver Birch	Adjacent to the rear boundary between 27 Little Aston Road and 68 Hallcroft Way.

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

Reference on map	Description	Situation
None		