



DEVELOPMENT CONTROL COMMITTEE: –

6th JANUARY 2009

REPORT OF THE HEAD OF REGENERATION - DELIVERY AND  
DEVELOPMENT

**CONFIRMATION OF TREE PRESERVATION ORDER 19 OF 2008 AT  
238 TO 242 CHESTER ROAD, STREETLY AND REVOCATION OF  
TREE PRESERVATION ORDER 5 OF 2004.**

**1. PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order 19 of 2008, and subject to the confirmation of Tree Preservation Order 19 of 2008 to revoke Tree Preservation Order 5 of 2004.

**2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order 19 of 2008 in an 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 the report detail, section 1.3.
- (iii) Note that two representations have been received in respect of this Tree Preservation Order.
- (iv) To authorise the revocation of Walsall Tree Preservation Order 5 of 2004 upon the confirmation of Tree Preservation Order 19 of 2008.

**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**

Tree Preservation Orders are made to protect trees that meet published criteria. Therefore they can be served on any property owner in the borough.

**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 Orders 19 of 2008 and 5 of 2004 are located within Streetly Ward.

**9. CONSULTEEES**

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**

Dougald Purce - Extension: 2594

**11. BACKGROUND PAPERS**

- File PD1/17/626 relating to Tree Preservation Order 5 of 2004
- File PD1/17/845 relating to Tree Preservation Order 19 of 2008

**Simon Tranter**

HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

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6<sup>th</sup> JANUARY 2009

### **CONFIRMATION OF TREE PRESERVATION ORDER 19 OF 2008 AT 238 TO 242 CHESTER ROAD, STREETLY AND REVOCATION OF TREE PRESERVATION ORDER 5 OF 2004.**

#### 1.0 REPORT DETAIL.

##### **TREE PRESERVATION ORDER REVIEW**

- 1.1 The Tree Preservation Order 24 of 2008 was served on 24<sup>th</sup> July 2006. It is part of the Streetly Tree Preservation Order Review process approved by this committee on 18 July 2006.
- 1.2 The Tree Preservation Order Review is being undertaken in two phases; the first phase was a desk assessment of all Walsall Council's Tree Preservation Orders and is now complete. The second phase seeks to bring up to date or correct inadequacies in the Tree Preservations Orders as identified in the first phase. In some instances this is relatively straightforward; but with many of the larger and older orders site changes or changes to the tree populations necessitate the creation of updated Tree Preservation Orders and the revocation of the old ones. The review is focused on systematic work in Streetly Ward, although Tree Preservation Orders in other parts of the borough have been reviewed as problems or inaccuracies come to light.

##### **MAKING TREE PRESERVATION ORDER 19 OF 2008**

- 1.3 This new Tree Preservation Order (TPO 19 of 2008) serves to replace and bring up to date the protection of amenity offered by elements of Tree Preservation Order 4 of 2004 and was made for the following reasons:

*The Original order (TPO 5 of 2004) is an area order covering "Trees of whatever species within the area marked on the map". The review of this order did not consider it expedient to retain in a Tree Preservation Order many of the trees included in TPO 5 of 2004, instead the review has identified specific individuals for protection. The net result of the review was that the varied order would be so significantly different to the original that a new order (TPO 19 of 2008) would be more appropriate than a variation of the original.*

- 1.4 The minimum six week period allowed for objection to the Order expired on the 4<sup>th</sup> September 2008. Two representations have been received in respect of this Tree Preservation Order. These were from the residents of No's 43 and 45 Grosvenor Avenue. Both representations expressed a concern that two trees (goat willow and a whitebeam) would be removed from protection with the change to Tree Preservation Order 19 of 2008. The respondents requested that the two trees be included in the new order. The Walsall Council Tree Officers visited the residents of 43 Grosvenor Road and discussed placing a separate Tree Preservation Order on the two trees in question.

## **REASONS FOR REVOKING TREE PRESERVATION ORDER 5 OF 2004**

- 1.6 Tree Preservation Order 5 of 2004 is an area order. It is best practice that the area classification should only be used in emergencies, and then only as a temporary measure until the trees in the area can be assessed properly and reclassified. In the creation of Tree Preservation Order 19 of 2008 to replace Tree Preservation Order 5 of 2004 best practice is being followed.
- 1.7 Preservation order 19 of 2008 incorporates elements of the trees covered by Tree Preservation Order 5 of 2004. For the reasons given above, and in order to avoid future confusion resulting from having two orders protecting the same trees I am recommending that Tree Preservation Order 5 of 2008 be revoked once Tree Preservation Order 19 of 2008 is confirmed.
- 1.8 The Committee is therefore recommended to confirm Tree Preservation Order No 19 of 2008 in an un-modified form and to revoke Tree Preservation Order 5 of 2004.

## **SCHEDULE 1**

### **SPECIFICATION OF TREES**

#### **Trees specified individually**

(encircled in black on the map)

Reference on map	Description	Situation
T1	Pine	South west corner of the plot of land to the rear of 238 Chester Road
T2	Pine	Plot of land to the rear of 238 Chester Road, on boundary with No 240 Chester Road
T3	Ash	At western end of the plot of land to the rear of 240 Chester Road
T4	Birch	In the plot of land to the rear of 240 Chester Road - approximately midway along the western boundary
T5	Birch	Plot of land to the rear of 240 Chester Road - the west most of two birch located approximately two thirds of the way along the boundary with No 242 Chester Road
T6	Birch	Plot of land to the rear of 240 Chester Road - the east most of two birch located approximately two thirds of the way along the boundary with No 242 Chester Road
T7	Oak	On plot of land to the rear of 242 Chester Rd - towards the eastern end of the boundary with No 240 Chester Rd
T8	Beech	Plot of land to the front of 240 Chester Road - next to the Chester Rd Boundary
T9	Atlas cedar	Plot of land to the front of 240 Chester Road - next to the Chester Rd Boundary
T10	Lime	Plot of land to the front of 240 Chester Road - next to the Chester Rd Boundary
T11	Birch	Plot of land to the front of 242 Chester Road - next to the Chester Rd Boundary
T12	Laburnum	Plot of land to the front of 242 Chester Rd on the boundary with 244 Chester Rd

# TREE PRESERVATION ORDER 19 OF 2008 - 238 TO 242 CHESTER ROAD, STREETLY



**Walsall Council**

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