



Walsall Council

DEVELOPMENT CONTROL COMMITTEE: -

25th April 2006

REPORT OF DIRECTOR FOR REGENERATION

SERVING OF TREE PRESERVATION ORDER: 12/2006 - 1 TO 51 CHESTER ROAD & OAKDENE NURSERIES, STREETLY

1. PURPOSE OF REPORT

To seek the authority to make Tree Preservation Order No 12/2006, and subject to the confirmation of TPO 12/2006 to revoke Tree Preservation Order 9/1981.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Authorise the making of Walsall Tree Preservation Order No 12/2006. 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 paragraph 10.2.
- (iii) Revoke Tree Preservation Order 9/1981 subject to Tree Preservation Order 12/2006 being confirmed within 6 months of the Order being served. The revoking of TPO 9/1981 is also reliant on the confirmation of Tree Preservation Orders 9/2006 and 11/2006).

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 12/2006 is located within Streetly Ward.

9. **CONSULTEES**

Owners and near neighbours will be 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 responses will be described within the future report for the confirmation of this order.

10.0 **REPORT DETAIL.**

10.1 The trees, the subject of this Order, are situated in the front or rear gardens of properties between 1 and 51 Chester Road Streetly and the grounds of what is presently the Oakdene Nurseries. In the past the trees have been protected under TPO 9/1981 which was recently reviewed. The outcome of which was that changes within the area covered by TPO 9/1981 and changes to the areas tree population coupled with the unwieldy size of that TPO (165 individual trees 4 areas and 4 groups) merits the creation of three new orders (9/2006 – 11/2006 & 12/2006) offering more easily managed units.

10.2 The trees selected for new or continued protection in TPO 12/2006 are prominent in the street scene and are protected for the following reasons:

- *The trees form a prominent landscape feature in the local area and will continue to contribute to landscape quality in the future.*
- *The tree(s) adds to the amenity and visual diversity of the immediate area.*

- *There is considerable development activity in the area with opportunities for infill development the Tree Preservation Order will discourage the premature removal of important trees.*
- *In the case of the trees on the Oakdene Nursery site the area order in TPO 9/1981 provided insufficient protection to what is a considerable local amenity.*
- *The Preservation of trees in the area needs re-enforcing. Created due to local residents concerns over mature tree losses in the area TPO 9/1981 covered the land between Chester Road and Thornhill Road. to a northern boundary running approximately between 51 Chester Road and 180 Thornhill Road. Of the original 200 protected trees in this order 81 have been lost (mostly without record of permission) with only 12 replacement plantings identifiable, and a number of prominent trees of high amenity value were not included.*

10.3 The trees in question are worthy of protection for their contribution to the local landscape, particularly in breaking up the visual street front and roof-scape. The trees are a component part of the quality of the local landscape. They will, in the future, also provide a mature visual and wildlife amenity feature that will add quality directly to the local area along with other trees. It is therefore considered expedient in the interests of the long-term amenity of the area to ensure the continued retention of the trees by replacing the now aged existing TPO with a new order that more accurately represents current site circumstances.

10.4 For the reasons set out above the Committee is requested to approve the recommendations as set out in paragraph 2.

11. **CONTACT OFFICER**

Ian McDermott - Extension: 2447

12. **BACKGROUND PAPERS**

File relating to Tree Preservation Orders No 9/1981 and new orders 9/2006 and 11/2006.

Tim Johnson,
DIRECTOR FOR REGENERATION

Key to G 1

- o = N Maple
- + = Ash
- x = Rowan
- c = Cherry plum
- b = Birch

100.1m

107.4m

140.4m

CHESTER ROAD

The Streetly School

100

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TPO 12/2006 - 1 to 51 Chester Road & Oakdene Nurseries, Streetly (Map 2)



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TPO 12/2006 - 1 to 51 Chester Road & Oakdene Nurseries, Streetly (Map 3)



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TPO 12/2006 - 1 to 51 Chester Road & Oakdene Nurseries, Streetly (Map 4)



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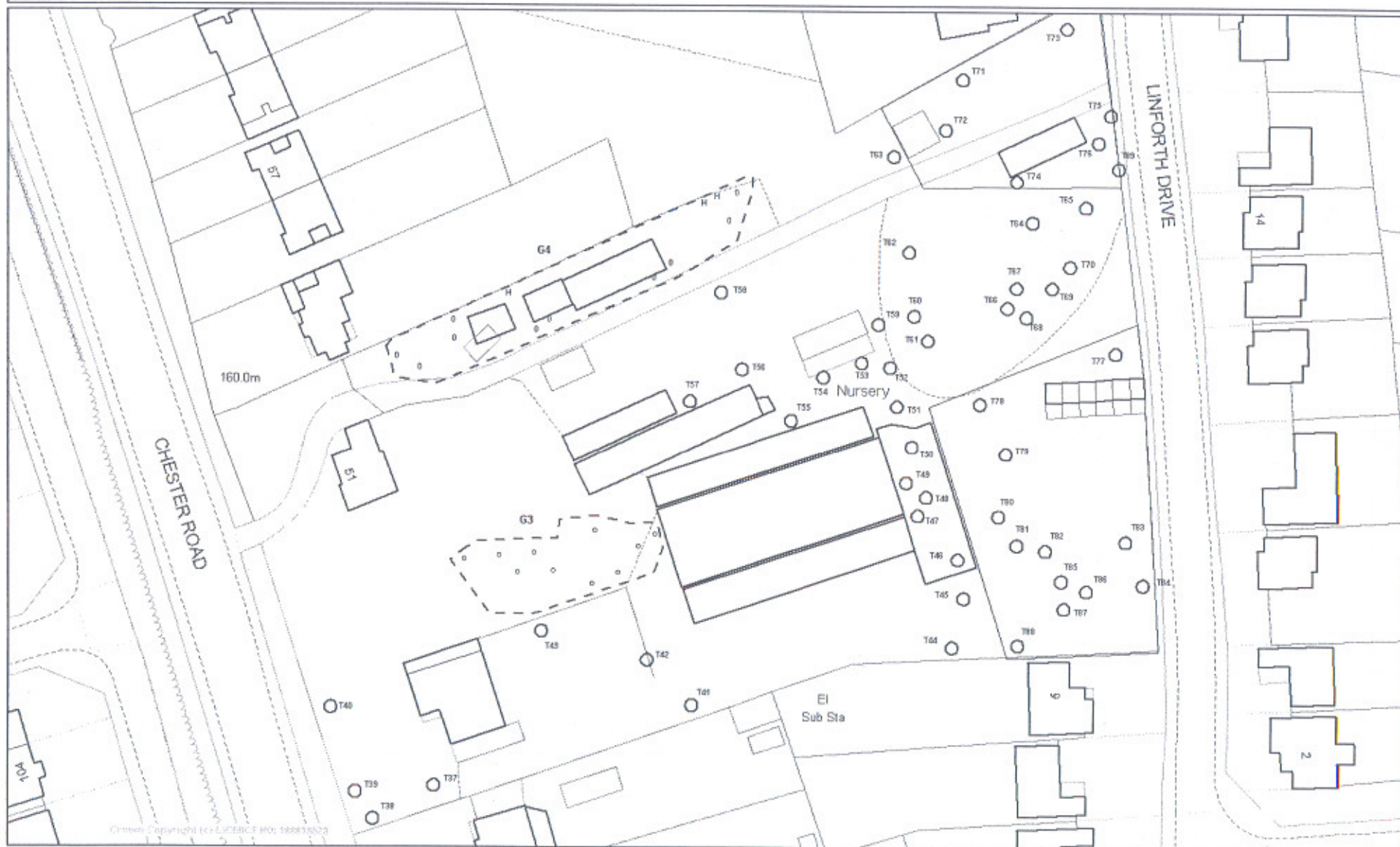
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TPO 12/2006 - 1 to 51 Chester Road & Oakdene Nurseries, Streetly (Map 5 Oakdene Nurseries)



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