



Walsall Metropolitan Borough Council

DEVELOPMENT CONTROL COMMITTEE: –

19th April 2005.

REPORT OF ASSISTANT DIRECTOR FOR URBAN REGENERATION

CONFIRMATION OF TREE PRESERVATION ORDER 18 OF 2004, ON 34 AND 36 FEATHERSTON ROAD, STREETLY.

1. PURPOSE OF REPORT

To seek the confirmation of the Tree Preservation Order No 18 of 2004.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 18 of 2004 in unmodified form. A plan showing the Tree Preservation Order is attached to this report along with the 1st schedule.
- (ii) Support the reason for making the Tree Preservation Order set out in the attached report.
- (iii) Note that no 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 6 of 2004 is located within Streetly Ward.

9. **CONSULTEES**

Owners and near neighbours were 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 response is described within the report.

10. **CONTACT OFFICER**

Ian McDermott - Extension: 2447

11. **BACKGROUND PAPERS**

File PD1/17/675 relating to Tree Preservation Order No 18 of 2004.

Tim Johnson,
ASSISTANT DIRECTOR FOR URBAN REGENERATION

DEVELOPMENT CONTROL COMMITTEE: –

19th April 2005.

CONFIRMATION OF TREE PRESERVATION ORDER 18 OF 2004 ON 34 & 36 FEATHERSTON ROAD, STREETLY

1.0 REPORT DETAIL.

Background Reasons for the Making of this TPO.

The trees, the subject of this Order, are situated in the rear gardens of 34 and 36 Featherston Road, Streetly, Walsall. The trees grow along the garden boundary of both properties. An application to develop the property was lodged Ref:04/1801/FL/E5 seeking permission to build a large detached house in the rear garden. Under delegated authority an emergency TPO was placed on the trees on 20th October 2004 as they were considered to be an arboricultural limitation to the proposed development and worthy of retention. The trees are prominent in the street scene and are protected for the following reasons:

- *The tree forms a prominent landscape feature in the local area and will continue to provide an important item of landscape quality in the future.*
- *The tree adds to the amenity and diversity of the immediate area.*
- *The Council's Unitary Development Plan identifies policies for protection of trees and green spaces*

The Site

The site is the rear garden of 36 Featherston Road, Streetly. It is a large mature garden with a number of shrubs and bounded by the trees. It is evident that recently some large trees have already been felled within the curtilage of the property, as the stumps are still visible

The Surrounding Area

The surrounding area is predominantly residential in nature, with a relatively low property density and a fairly high canopy density.

The Tree

The tree T1 is an Oak, T2 an Ash, and G1 is a group of 7 Birch.

UDP Policies

The relevant policy for tree protection is ENV19 Existing Woodlands, Trees and Hedgerows. This policy seeks to provide implementation of the objectives of the UDP. Particularly in regard to providing; *a means of protecting trees and woodlands.* The Policy states that; *the council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows.*

Relevant Guidance

Guidelines for the making of TPOs are currently contained in the Town and Country Planning Act 1990 (the Act) and the Department of the Environment, Transport and the Regions (DETR); Tree Preservation Orders: The Law and Guide to Good Practice, (2000). Which states that the Local Planning Authority (LPA) may make TPOs if it appears 'expedient in the interests of amenity' to do so. The guidance states that "TPOs should be used to protect selected trees if their removal would have a significant impact on the environment and its enjoyment by the public." The Circular goes on to state that "trees may be worthy of preservation for their intrinsic beauty or their contribution to the landscape." It also states that the benefit of the trees may be present or future.

Future Management of the Order

In regard to trees which overhang adjacent property. The Council will consider if trees should be pruned or felled and replacement planting undertaken. The Council employ a fully qualified officer to deal with these issues and the officer will visit a site and discuss any tree problems with the owner / occupier to assist in the management of the trees.

Conclusions

The trees in question are worthy of protection for their contribution to the local landscape, particularly in breaking up the visual roof-scape and providing a quality environment. 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 amenity of the area to secure the long-term retention of the amenity using a TPO.

Ian McDermott

Arboricultural Officer: Natural Environment.
Environmental Regeneration Services.

Walsall MBC Tree Preservation Order No.6 of 2004, 34 and 36 Featherston Road, Streetly, Walsall.



SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	Oak	Plot of land known as the rear garden of 36 Featherston Road
T2	Ash	Plot of land known as the rear garden of 36 Featherston Road

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
	None	

Groups of trees

(within a broken black line on the map)

Reference on map	Description	Situation
G1	A group of 7 Birch	Plot of land known as the rear garden of 34 Featherston Road

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
	None	