



Walsall Council

DEVELOPMENT CONTROL COMMITTEE: –

4th April 2006

REPORT OF DIRECTOR FOR REGENERATION

SERVING OF TREE PRESERVATION ORDER 8/2006 KIMBERLEY CLOSE, STREETLY.

1. PURPOSE OF REPORT

To seek the authority to make Tree Preservation Order No 8/2006, and subject to the confirmation of TPO 8/2006 to revoke Tree Preservation Orders 4/1974 and 16/1974.

2. RECOMMENDATIONS

The Committee is recommended to:

- (i) Authorise the making of Walsall Tree Preservation Order No 8/2006. 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 Orders 4/1974 and 16/1978 subject to Tree Preservation Order 8/2006 being confirmed within 6 months of the Order being served.

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 8/2006 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 Previously the trees in Kimberley Close have been covered by two woodland TPOs (4/1974 and 16/1978). Since the creation of the original TPOs the site has been developed and significant changes to legislation have occurred. Prior to the development, the area covered by TPO 4/1974 contained ninety two trees, of which thirty eight were lost with planning consent, a further twenty five have been lost since the developments completion with little record of when or why.

A recent survey of the Kimberley Close TPOs concluded that the original TPOs now bear little relevance to what is on the ground, and that the age of the original TPOs means that the remaining trees are less well protected than they would be under current legislation.

Despite changes to the tree population the trees remain prominent in the street scene and merit continued protection for the following reasons:

- *The trees form a prominent landscape feature in the local area and help maintain an arboreal link between the tree cover in Streetly Wood to the south and Hardwick Wood to the north*
- *The trees add to the amenity and diversity of the immediate area and will continue to provide an important item of landscape quality in the future. .*
- *The Council's Unitary Development Plan identifies policies for protection of trees and green spaces*
- *The combining of the two existing orders into a single order (TPO 8/2006) will allow for greater efficiency in the management of protection to the trees in Kimberley Close.*

10.2 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 continuity in the tree cover between Streetly Wood and Hardwick Wood. 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 TPOs with a new order that more accurately represents current site circumstances.

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

11. **CONTACT OFFICER**

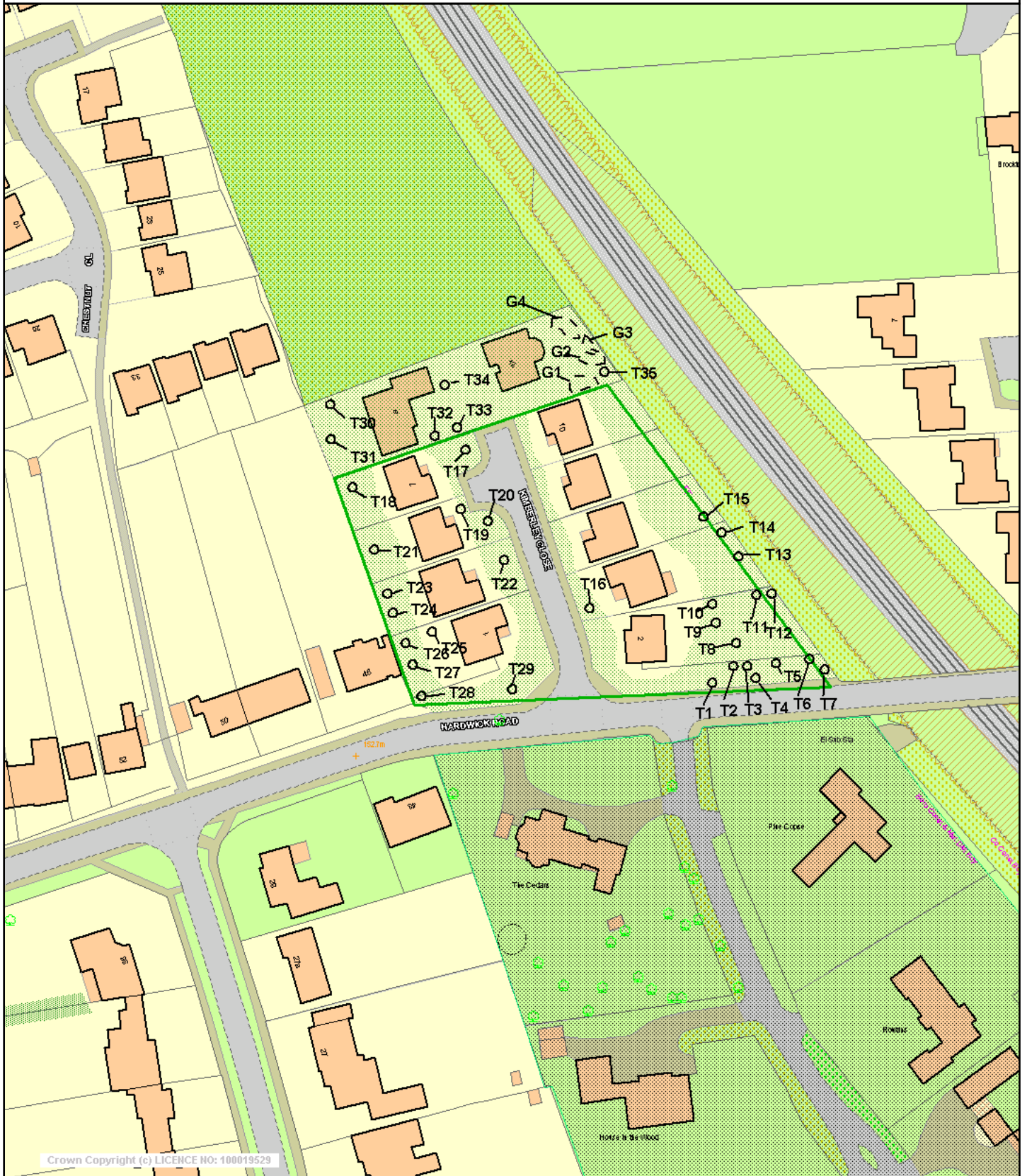
Ian McDermott - Extension: 2447

12. **BACKGROUND PAPERS**

File relating to Tree Preservation Orders No 4/1974 and 16/1978.

Tim Johnson,
DIRECTOR FOR REGENERATION

TPO 8/2006 - Kimberley Close, Streetley



Walsall Council

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