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PLANNING COMMITTEE: –

2<sup>nd</sup> December 2010

**REPORT OF THE HEAD OF REGENERATION – DEVELOPMENT AND DELIVERY**

**CONFIRMATION OF TREE PRESERVATION ORDER 15 OF 2010 ON LAND AT BERKLEY CLOSE, BENTLEY, WALSALL.**

**1. PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order No 15 of 2010 in an unmodified form.

**2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order No 15 of 2010 in an unmodified form. A plan showing the Tree Preservation Order is attached to this report.
- (ii) 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 15 of 2010 is located within the Bentley and Darlaston North 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**

10.1 The Tree Preservation Order No 15 of 2010 was authorised by Planning Committee on 27<sup>th</sup> May 2010, and made on 7<sup>th</sup> June 2010. The trees are visually prominent 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 trees add to the amenity and visual diversity of the immediate area.
- The trees are at risk of severe pruning or removal through the potential sale of Council owned land.
- The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces.

10.2 The Council is currently in the process of designing a suitable development scheme on the site with a view to submitting a draft scheme for public consultation on 15<sup>th</sup> December 2010. It would be prudent to continue the protection of the existing trees until such times as any proposed development issues have been finalized.

10.3 The minimum six week period allowed for objection to the Order expired on 8<sup>th</sup> July 2010. No responses have been received.

10.4 The Committee is therefore recommended to confirm Tree Preservation Order No 15 of 2010 in its unmodified form.

11. **CONTACT OFFICER**

Cameron Gibson - Extension: 2453

12. **BACKGROUND PAPERS**

File PD1/17/916 relating to Tree Preservation Order No 15 of 2010.

**Simon Tranter,**  
HEAD OF REGENERATION – DEVELOPMENT AND DELIVERY

**TPO 15 of 2010**

Land at Berkley Close, Bentley, Walsall.

