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PLANNING COMMITTEE: –

21 October 2010

REPORT OF THE HEAD OF REGENERATION - DEVELOPMENT AND DELIVERY

**CONFIRMATION OF TREE PRESERVATION ORDER 14 OF 2010 ON LAND AT 3, 5 AND 7, BUTTS STREET, WALSALL, WS4 2BJ.**

**1. PURPOSE OF REPORT**

To seek the confirmation of the Tree Preservation Order 14 of 2010.

**2. RECOMMENDATIONS**

The Committee is recommended to:

- (i) Confirm the Walsall Tree Preservation Order 14 of 2010 in an unmodified form. A plan showing the Tree Preservation Order and a schedule of the trees is attached to this report.
- (ii) Support the reason for making the Tree Preservation Order set out in the report detail, paragraph 10.
- (iii) Note that one representation has 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 14 of 2010 is located within the St. Matthews 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.

**REPORT DETAIL**

10. The Tree Preservation Order 14 of 2010 was made on 11 May 2010. The trees are visually prominent in the street scene and were protected for the following reasons:
- The trees form a prominent landscape feature in the local area and will continue to provide an important item of landscape quality in the future.
  - 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.
  - Enquiries have been made regarding the status of three significant trees outside of housing association properties at 3, 5 and 7, Butts Street, WS4 2BJ and the council has been made aware that the landowner intends to remove them. A site visit was made on 29 April 2010 to assess the trees and it was considered that they merited the protection of a provisional TPO.
  - The Council's Unitary Development Plan identifies policies for protection of the trees and green spaces
11. The minimum six week period allowed for objection to the Order expired on 22 June 2010. One response has been received by letter on 17 May 2010 from a representative of the resident at 5, Butts Street, Walsall, WS4 2BJ.
- The resident at no. 5 is concerned that now the trees are protected they could not be pruned to allow sufficient light to enter the house. This representation was

dealt with by a letter on 24 May 2010 to the resident's representative explaining that as long as appropriate pruning works were proposed the council would be unlikely to object. The letter also offered to meet on site and discuss any proposed pruning works and the application process; however, a response has not yet been received.

12. The Committee is therefore recommended to confirm Tree Preservation Order No 14 of 2010 in an unmodified form.

13. **CONTACT OFFICER**

Andrew Cook - Extension: 2447.

14. **BACKGROUND PAPERS**

File PD1/17/915 relating to Tree Preservation Order 14 of 2010.

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



TPO 14/2010 land at 3, 5 and 7, Butts Street, Walsall, WS4 2BJ



Not to Scale      Date 11 May 2010      Centre 401800E 299259N      Andrew Cook

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