



Planning Committee

3 December 2013

Report Title	Objections to the Wolverhampton City Council (26 Clewley Drive) Tree Preservation Order: 2013	
Cabinet Member with Lead Responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity	
Wards Affected	Oxley	
Accountable Strategic Director	Tim Johnson, Education and Enterprise	
Originating service	Planning	
Accountable officer(s)	Name:	Alison McCormick
	Tel:	01902 555640
	Email:	alison.mccormick@wolverhampton.gov.uk

Recommendation(s) for action or decision:

The Committee is recommended to:

1. Grant delegated authority to the Strategic Director of Education and Enterprise to confirm the Wolverhampton City Council (26 Clewley Drive)(No. 2) Tree Preservation Order 2013, subject to no new reasons for objection being received by 14 November, 2013

1.0 Purpose

1.1 To consider the confirmation of a tree preservation order in accordance with the powers of the local authority to protect trees worthy of preservation.

2.0 Background

2.1 The tree preservation order was made to protect these 2 small leaved lime trees and to regulate their future management, for the following reasons:

- They are of significant amenity value.
- They are forest sized trees situated in a prominent location on a junction.
- They are important in the local landscape: there are no other trees within the vicinity of comparable stature.
- They are in good condition (with an estimated safe useful life expectancy in excess of 40 years).
- Their survival is threatened (the owner has contacted a tree surgeon regarding the felling of the trees).

2.2 The publicity period for this order expires on 14th November.

2.3 Ten objections have been received on the following grounds:

- the present and potential size of the trees
- unsuitability of the species,
- proximity to houses,
- effects of roots on foundations, driveway and adjacent footway, nuisance from debris
- obstructing natural light/ excessive shading, street light is obscured
- potential for causing damage or injury to vehicles and pedestrians
- management issues- pruning trees re-invigorates growth; the canopies of both trees are intertwined.

3.0 Appraisal

3.1 For the reasons set out at 2.1 the trees are of significant amenity value.

3.2 The present and potential height of the trees is not linked to any particular problems. The tree canopies could be reduced should they cause obstruction or damage to property, or to alleviate unacceptable overshadowing, subject to the work being approved..

3.3 Direct tree root damage to foundations is rare as root growth typically takes the line of least resistance. There is no evidence of damage to the driveway. Whilst there is, localised unevenness in the footway adjacent to the trees, this has not been raised by Transportation as a safety issue.

3.4 There is no evidence of damage to vehicles. The trees appear to be in good condition, and are estimated to have a life expectancy in excess of 40 years. The common duty of care to any third party implied by being the owner of a tree is unaltered by the existence

NOT PROTECTIVELY MARKED

of a Tree Preservation Order. It is expected that a responsible tree owner will undertake regular inspections of their trees and take reasonable steps to reduce risk. If there is evidence that the trees have become a risk, an application for remedial works would be approved.

- 3.5 Minor nuisance associated with debris shed from the trees does not outweigh the desirability of protecting these trees for their substantial amenity value.
- 3.6 Good arboricultural practice could overcome the problems identified.

4.0 Legal implications

- 4.1 The local planning authority may, in the interests of amenity, make provision for the preservation of trees by the making of a Tree Preservation Order. Orders take effect immediately but need to be confirmed within six months or else they lapse. (KR/2102013/XY)

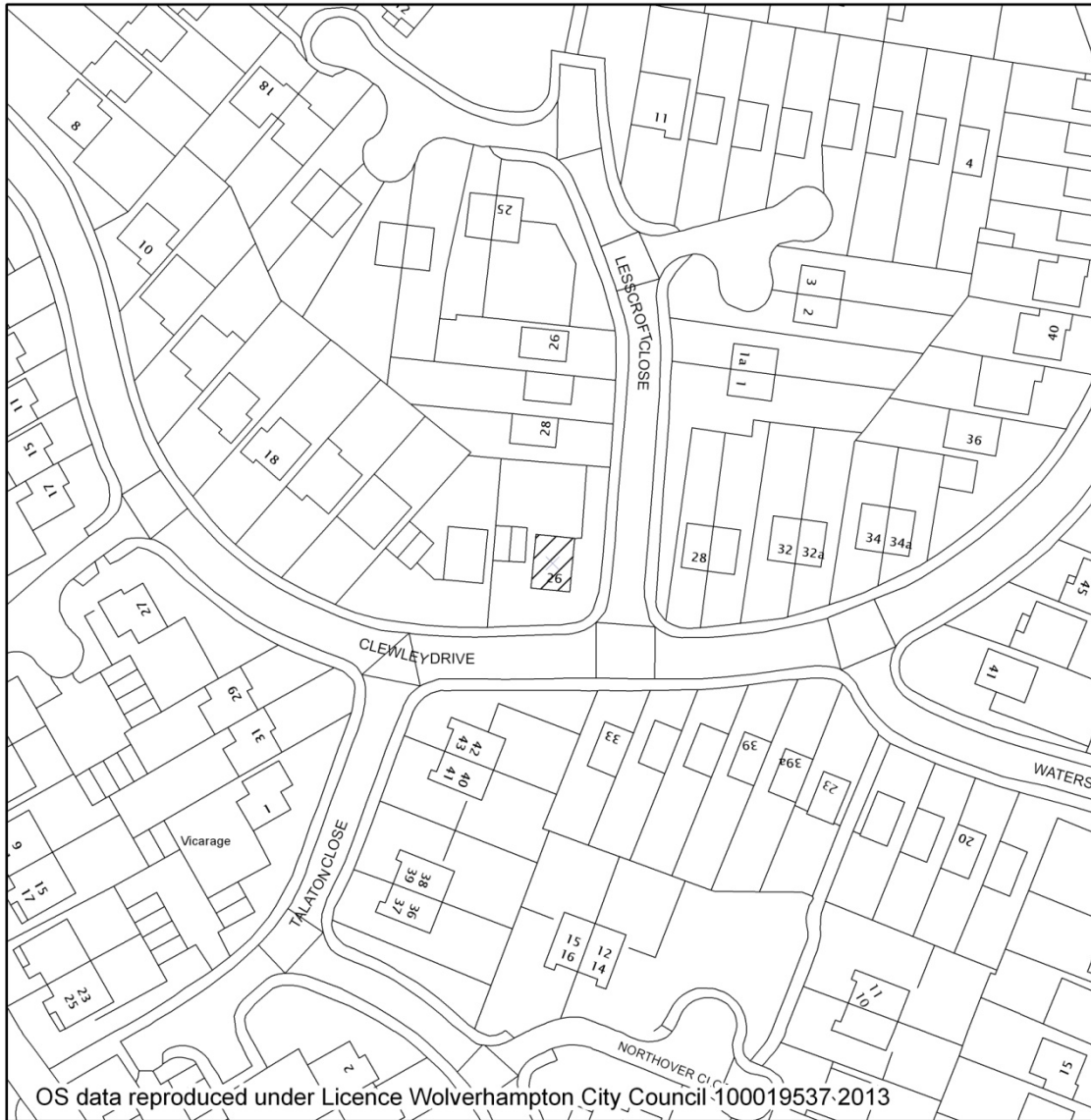
5.0 Environmental implications

- 5.1 The trees are of significant amenity value and the confirmation of the tree preservation order would ensure their continued protection and control over their management.

6.0 Conclusion

- 6.1 The trees are of significant amenity value and should continue to be protected by the Wolverhampton City Council (26 Clewley Drive)(No. 2) Tree Preservation Order, 2013.

DO NOT SCALE



Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Wolverhampton CC Licence No 100019537. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.