



# Planning Committee

1 April 2014

<b>Report title</b>	Wolverhampton City Council (9 Pentland Gardens) Tree Preservation Order (TPO) 2014	
<b>Cabinet member with lead responsibility</b>	Councillor Peter Bilson Economic Regeneration and Prosperity	
<b>Wards affected</b>	Park	
<b>Accountable director</b>	Tim Johnson, Education and Enterprise	
<b>Originating service</b>	Planning	
<b>Accountable employee</b>	Andy Fisher	Tree Officer
	Tel	01902 555621
	Email	andy.fisher@wolverhampton.gov.uk

## **Recommendation(s) for action or decision:**

The Committee is recommended to:

Confirm the Wolverhampton City Council (9 Pentland Gardens) Tree Preservation Order (TPO) 2014.

## **1.0 Purpose**

- 1.1 To consider the confirmation of the Tree Preservation Order to continue the protection of a single pine tree in the garden of 9 Pentland Gardens identified as being of high amenity value and worthy of protection, as per other protected trees in the locality, having regard to an objection received on 27 February 2014.

## **2.0 Background**

- 2.1 A pre-application proposal in respect of a two storey side extension to 9 Pentland Gardens was received 3 February 2014. A survey of the site by the Council's tree officer revealed two Pine trees, one Pine tree adjacent to the property and a larger Pine tree in the rear garden. There was no objection to the removal of the tree adjacent to the property to allow the proposed development. The larger mature Pine in the rear garden is of a high amenity value and visible from Pentland Gardens, The Avenue, Nevis Court and all surrounding properties.
- 2.2 The Tree Officer considered that the Pine tree has high amenity value and merits Tree Preservation Order protection for the following reasons.
- (i) The Pine tree in the rear gardens of 9 Pentland Gardens is of a substantial mature stature and is a prominent feature in the local landscape; being visible from either, the public highway, Pentland Gardens, The Avenue, Nevis Court and is prominent in the shared view of the surrounding locality.
  - (ii) The amenity afforded by this tree is enhanced by its condition: and has an estimated long safe useful life expectancy - in excess of 50 years;
  - (iii) This tree is particularly suitable to the setting, being located to the end of the rear garden sufficiently distant from the property as to be unlikely to be associated with any major structural damage.

- 2.3 It was therefore considered expedient to make an Order to include this tree, which was made and served on 11 February 2014. (T1 on attached plan)

## **3.0 Summary of objections and appraisal**

- 3.1 A letter of objection to the Tree Preservation Order has been received from the purchaser of 9 Pentland Gardens Mr Palminder Sidhu for the following reasons
- 3.2 Concern for the loss of light over the property  
Officers comments: The TPO'd tree is situated in the South West area of the rear garden and will only cast a shadow onto the property in the afternoon. Because of the high canopy of the tree, light will still be able available to penetrate. Another Pine tree approximately 2 metres from the west wall of the house was not included in the Order and may be removed if desired.

- 3.3 Concern for the size of the tree and the risk of root damage  
Officers comments: The house was built in 1977 with the trees being present at this time. Foundations for this house will have taken this into account with Building Regulations and will also be of a greater depth than the 600mm that the feeder roots of this tree will be present at. The closest tree is only 2 metres from the house with no evidence of structural problems having come to light in the recent purchase.
- 3.4 The proximity to any proposed extension/ Compliance with regulations for renovation  
Officers comments: The proposed floor plan extension has already been assessed as acceptable in relation to the protected tree in a pre- application enquiry and would be further clarified by Building Control regulations.
- 3.5 Gutters and Drain Grilles  
Officers comments: If the Pine tree adjacent to the property is removed this will substantially improve the situation. Falling leaves or needles cannot be accepted as a reason for not confirming a Tree Preservation Order.
- 3.6 Enquiry to remove trees  
Officers comments: A TPO check was undertaken for this address in December 2013 which revealed no protected status on any trees at this property. On the 3 February 2014 a pre-application proposal submitted required a site visit by the Council's Tree Officer who identified one Pine tree worthy of protection and one which was not considered for protection.
- 3.7 I would plant alternative trees at the property  
Officers comments: The mature Pine is a fine specimen in the local area with other examples nearby. This tree already enhances the tree-scape of the locality

#### **4.0 Legal implications**

- 4.1 Under section 198 (1) of the Town and Country Planning Act 1990 if the Council, as the local planning authority, consider it to be expedient in the interests of amenity to make provision for the preservation of trees, it may make a Tree Preservation Order. A TPO may prohibit the cutting down, topping, lopping, wilful damage or wilful destruction of trees except with the consent of the Council.
- 4.2 On 6 April, 2012, the Town and Country Planning (Tree Preservation)(England) Regulations 2012 consolidated existing legislation into one new set of regulations. The aim of the regulations is to unify the system and make it easier to use by authorities and tree owners. The general power, in section 198 of the Town and Country Planning Act 1990, to make preservation orders in the interests of amenity, remains unchanged. All orders provide immediate provisional protection that lasts for six months and long-term protection once authorities confirm them after considering any objections or representations. [KR/18032014/N]

## **5.0 Environmental implications**

- 5.1 This Pine tree is a significant feature in the local landscape and contributes to the character of the area.

## **6.0 Conclusion**

- 6.1 The pine tree is of significant amenity value and should continue to be protected by the Wolverhampton City Council (9 Pentland Gardens) Tree Preservation Order 2014.

## **7.0 Detailed Recommendation**

- 7.1 That the Strategic Director Education and Enterprise be given delegated authority to confirm the Wolverhampton City Council (9 Pentland Gardens) Tree Preservation Order 2014.