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| CITY OF WOLVERHAMPTON COUNCIL | Planning Committee Tuesday, 18 January 2022 |
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| Planning application no. | 21/00008/TPO | |
| Site | Woodthorne Road South, Tettenhall, Wolverhampton | |
| Proposal | Confirmation Report for The Wolverhampton City Council (Woodthorne Road South No. 2) Tree Preservation Order 2021 | |
| Ward | Tettenhall Regis; | |
| Applicant | N/A | |
| Cabinet member with lead responsibility | Councillor Stephen Simkins Deputy Leader: Inclusive City Economy | |
| Accountable Director | Richard Lawrence, Director of Regeneration | |
| Originating service | Planning | |
| Accountable employee | Author name | James Dunn |
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1.0 Summary recommendation

- 1.1 Confirm the order subject to the deletion of "T4" (weeping willow) at 56 Woodthorne Road South.

2.0 Application site

- 2.1 This Tree Preservation Order (TPO), as served protected four trees, two oaks and two weeping willow trees that were located in, or immediately adjacent to four different properties in Woodthorne Road South. T1 (oak) is situated in the front garden of 78 Woodthorne Road South; T2 (oak) is located on a council-maintained grass verge immediately adjacent to the garden of 85 Woodthorne Road South; T3 (weeping willow) is located on the boundary of the front gardens of 68 and 70 Woodthorne Road South; and T4 (weeping willow) is located in the front garden of 56 Woodthorne Road South.

3.0 Application details

- 3.1 The trees subject to the order were identified for inclusion following an assessment of their amenity. The trees are mature, or maturing specimens that are prominent features within Woodthorne Road South and were considered to provide a high degree of visual

amenity to the surrounding area and made a positive contribution to the amenity of the area. The oak trees subject to the order were also considered likely to have been remnants of old field hedges, and therefore also provided a heritage link back to previous land uses in the area.

4.0 Relevant policy documents

4.1 Wolverhampton Unitary Development Plan (UDP) – Policy N7: The Urban Forest

5.0 Publicity

5.1 At the time of service, and in line with the statutory requirements, a copy of the order and associated documentation was served on the site owners and all owners of adjacent land that have a right to undertake works to the trees.

5.2 In response to the service of the order an objection was received from the owner of 85 Woodthorne Road South regarding the inclusion of T2 within the order.

5.3 The objection is based upon concerns regarding the safety of the tree, the risk to surrounding residents, pedestrians, and road users; the poor appearance of some parts of the tree, given the lack of previous management works and the presence of deadwood within the canopy that overhangs their property and the road. The objector states, that it is “wrong to preserve what is clearly in an unsatisfactory state”. Within their correspondence they provided a photograph showing a section of what appears to be deadwood that had fallen from the tree. The section of wood is approximately 1 metres long with a diameter of approximately 75-100 mm.

5.4 Following the service of the order, the owner of 56 Woodthorne Road requested a visit to discuss the tree (T4) that was included for protection within their property, as they had prior to the service of the order, been considering undertaking works to the tree.

6.0 Consultees

6.1 None.

7.0 Legal implications

7.1 If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for preservation of trees, they may make an order to that effect. Before confirming the Order, the local planning authority must consider any objections and representations duly made. KR/16122021/A

8.0 Appraisal

8.1 The oak tree, T2, that was subject to the objection is a large and imposing specimen that is located close to the junction(s) between Woodthorne Road South, Wrekin Lane and Redhouse Road. It is the one of the two largest trees in Woodthorne Road South (the other being T1 of the order) and is prominently visible in the area. Given the size and

prominence of the tree, it forms a landscape feature in the area, and provides a high degree of visual amenity to the area.

- 8.2 Given the age and position of the tree it would also appear to be a surviving remnant from an old field boundary that pre-dates the residential development in the area so also acts as a heritage link back to previous land use.
- 8.3 The tree provides a high degree of public amenity and is therefore very worthy of inclusion within a TPO, with the view of preserving the public amenity value of the tree for years to come.
- 8.4 It is noted that there is some deadwood present within the tree, and that undoubtedly some maintenance works could be undertaken to improve the current appearance of the tree (such as the removal of the basal epicormic growth). However, the deadwood present is not in excess of what would be expected of a healthy and mature oak, and therefore it is not considered to be a symptom of poor health in the tree. Also, on viewing the tree, no obvious physiological defects were observed that would suggest that the tree currently requires any significant pruning from a structural safety or physiological point of view.
- 8.5 As the tree is council-maintained, it will be inspected and maintained within the framework of the Council's tree maintenance programme. Given the high number of trees that the council has to maintain and its associated duty of care, it is reasonable, and more efficient, for any such works to be identified and undertaken as part of a systematic inspection programme, and undertaken in accordance with their relative hazard rating.
- 8.6 The presence of a TPO would not prevent reasonable works from being undertaken to the tree as there is a well-established process for a tree owner making applications to undertake works to protected trees, and the removal of the deadwood from within the crown would not require permission as the removal of deadwood from a tree is specifically exempted from the need to apply for permission in the regulations. However, the continued presence of the TPO would prevent the undertaking of any inappropriate works to the trees, by any of the parties who have a right to prune the tree as it overhangs their property.
- 8.7 Therefore, the objections raised to the inclusion of T2 within the order are not sufficient to prevent the confirmation of the TPO with respect to this tree.
- 8.8 With regards to T4 of the order at 56 Woodthorne Road south, during the requested visit to discuss the tree with the owner, a column of developing decay was observed in the tension side of the main stem. Given the species profile and the extent and location of this area of decay, it is likely that this will require the premature removal of the tree in the medium term further, and therefore the continuance of the TPO on this tree is not appropriate, and future management decision should be left entirely to the tree owner.

9.0 Conclusion

9.1 The trees subject to this order provide sufficient public amenity to justify their inclusion within the Tree Preservation Order, and with the exception of T4, the remaining trees are all of such a condition to justify their continued inclusion within the order. Whilst the points raised in objection to the inclusion of T2 within the order are noted, they are not sufficient to prevent the confirmation of the order at this time, as the presence of a TPO would not prevent the resolution of the issues that have been raised.

10.0 Detail recommendation

10.1 Confirm the order subject to the deletion of T4 from the order.

SCHEDULE

Specification of trees

Trees specified individually

(encircled in black on the map)

| <i>Reference on Map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|--|
| T1 | Oak | Front garden of 78 Woodthorne Road South |
| T2 | Oak | Grass verge adjacent to 85 Woodthorne Road South |
| T3 | Weeping Willow | Close to boundary between front gardens of 70 and 68 Woodthorne Road South |
| T4 | Weeping Willow | Front garden of 56 Woodthorne Road South |

Trees specified by reference to an area

(within a dotted black line on map)

| <i>Reference on Map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
| NONE | | |

Groups of trees

(within a broken black line on the map)

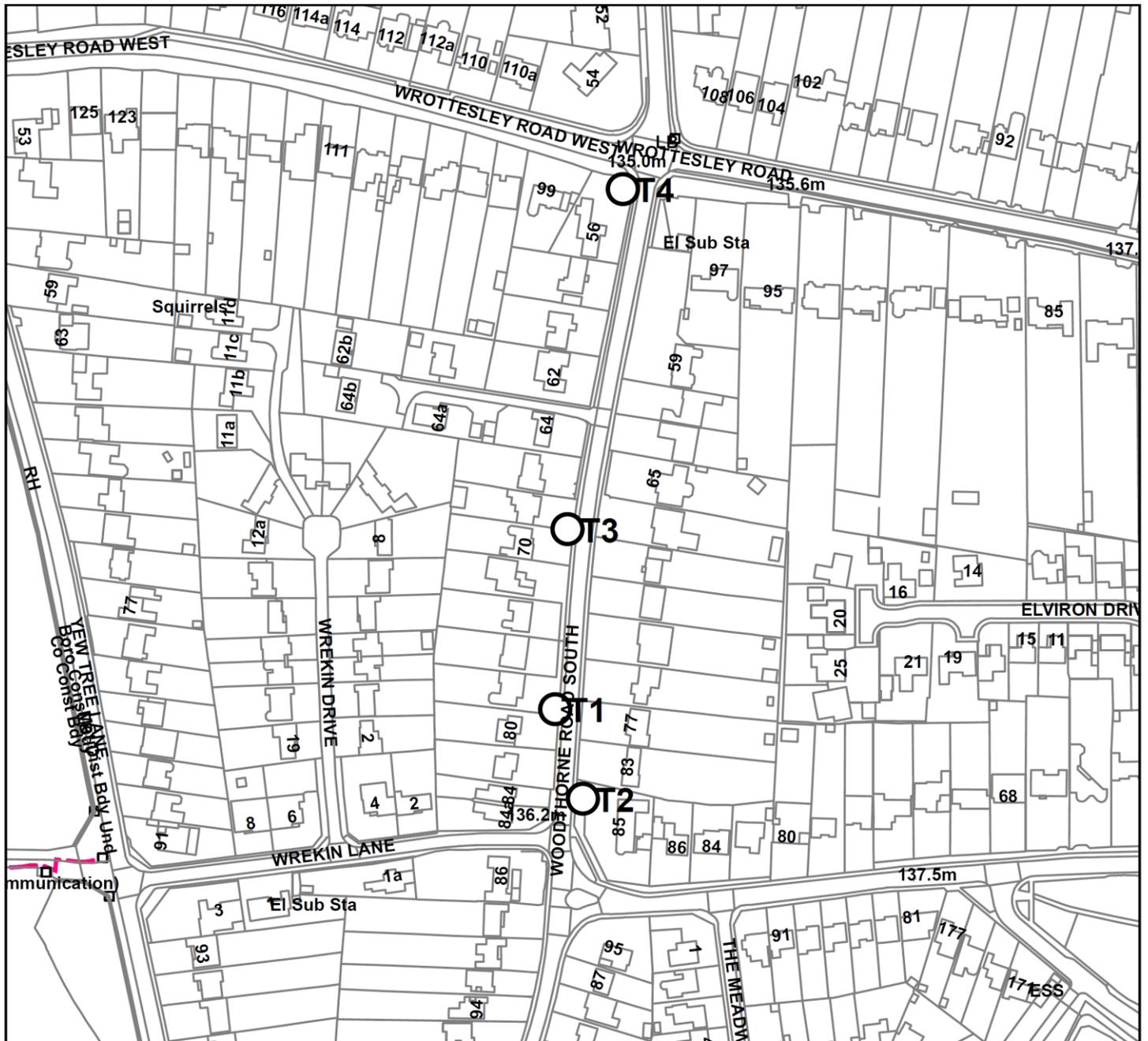
| <i>Reference on Map</i> | <i>Description (including number of trees of each species in the group)</i> | <i>Situation</i> |
|-------------------------|---|------------------|
| NONE | | |

Woodlands

(within a continuous black line on the map)

| <i>Reference on Map</i> | <i>Description</i> | <i>Situation</i> |
|-------------------------|--------------------|------------------|
| NONE | | |

(Woodthorne Road South No. 2) Tree Preservation Order 2021



Scale: 1:2,500

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| Organisation | Wolverhampton City Council |
| Department | Department |
| Comments | 21/00008/TPO |
| Date | 08/09/2021 |
| MSA Number | 100019537 |