
REPORT TO:	DEVELOPMENT CONTROL COMMITTEE	AGENDA ITEM: 7
DATE OF MEETING:	16 April 2002	CATEGORY: DELEGATED
REPORT FROM:	DEPUTY CHIEF EXECUTIVE	OPEN
MEMBERS' CONTACT POINT:	TONY YOUNG (5745)	DOC:
SUBJECT:	TREE PRESERVATION ORDER 189 (2001) – 27, 29 AND 31 WILNE LANE, SHARDLOW	REF:
WARD AFFECTED:	ASTON	

1.0 Recommendations

1.1 That this Tree Preservation Order be confirmed without modification.

2.0 Purpose of Report

2.1 To consider confirmation of this Tree Preservation Order.

3.0 Detail

3.1 This Tree Preservation Order was made on 30 November 2001 in respect of one individual tree (Weeping Ash) on land at 31 Wilne Lane, Shardlow and a group of trees (one Birch, one Weeping Birch, one Willow, one Holly and one Rowan) on land at 27 and 29 Wilne Lane, as indicated on the plan attached at Annexe 'A'. The Order was made for the following reasons:

T1 – Weeping Ash. This is a healthy specimen of a mature Weeping Ash, which is highly visible in the street scene and contributes to the established character of the Shardlow Wharf Conservation Area. The section of crown overhanging 29 Wilne Lane has been pruned in the past, which has affected the shape of the tree and there is a proposal to do further pruning work. The Council therefore considers it expedient to protect the tree in the interests of safeguarding the amenities of the area.

G1 – Rowan, Holly, Willow, Birch (Weeping), Birch. This group of trees is highly visible from the canal and towpath and partially visible from the highway. They enhance the setting of the canal, soften the visual impact of buildings in the area and contribute to the established character of Shardlow Wharf Conservation Area. There is currently a proposal to fell one of the birches and severely prune the other. The Council therefore considers it expedient to protect the trees in the interests of safeguarding the amenities of the area.

- 3.2 In October 2001 a Conservation Area tree notice was accepted for the felling of a leylandii tree in the front garden of 29 Wilne Lane, Shardlow.
- 3.3 In November 2001 a Conservation Area tree notice was allowed for the felling of a Lawson Cypress and the crown thinning of a Weeping Ash at 31 Wilne Lane. It was noted at the time that unauthorised pruning had already been done to branches of the ash tree overhanging 29 Wilne Lane.
- 3.4 In December 2001, following the submission of a further Conservation Area tree notice to fell a Birch tree at 27 Wilne Lane, next to the boundary of 29 Wilne Lane, the Tree Preservation Order was made on the birch tree along with other trees in close proximity to 29 Wilne Lane.
- 3.5 Three letters of objection have been received to the making of the order from the occupier of 29 Wilne Lane. The objections are summarised as follows:

- The birch tree next to the boundary is 30 years old, has achieved its full height and is breaking off at the top.
- Its diameter is such that it is pushing over the boundary wall.
- The tree has outgrown its position and has commenced its dying phase.
- The tree sheds small branches and twigs throughout the year and spits sticky sap over a wide area.
- The main problem is the seeds from the tree which fall over several months. It is reported that it is like snowing seeds which result in blocked gutters and drains, windows cannot be open without the room filling with seeds and they even get into the bed, the bath and they blow under the doors when they are shut.
- The objector would be prepared to replace the tree with one more suitable.
- The objector would like to register his concern of how the TPO was made without him being told beforehand.
- There is no intention to remove the rowan or holly but the objector would like to give the holly an annual prune to keep it in shape.
- Concern is raised about the severe pruning of a hedgerow opposite the property.

Following strong winds the occupier expressed the following concerns:

- The falling of debris and clearing up is a daily event and the amount of debris has increased and falls on the roof, paths and garden.
- The tree is close to overhead electricity cables. At the top of the tree are broken branches that could interfere with the cables and damage the conservatory that is below the tree.

In the final letter the objector makes the following points:

- He has never applied to have the weeping birch severely pruned. He was following the advice of his tree surgeon that while the birch was being removed the weeping birch could be lightly pruned.
- Part of the weeping ash overhangs his property and he trimmed the ends of branches to stop them scraping his house.

- 3.6 A letter of objection has been received from the occupier of 27 Wilne Lane, which is summarised as follows:

- She is concerned about the birch that she believes has grown too wide and with the broken top could be dangerous.

- She agrees with her neighbour that the tree could be replaced with one more suitable to its surroundings.
- She says it has started to damage the boundary wall and is near to the overhead electricity cable that supplies her workshop, house and 25 Wilne Lane.
- The cost of having the trees pruned regularly is worrying, as is the threat of damage to her own and her neighbour's property.
- She considers that in view of the severe pruning of the hedge opposite her house double standards are being applied.

3.7 British Waterways comments that it would like the Authority to provide sound advice to landowners as to how to manage these trees. It says that such a service will protect the trees from further damage and enhance the local environment for visitors, residents and wildlife. This will also prevent the trees from requiring radical management in the future, which may result in their loss if they pose a threat to the safety of British Waterways operatives and canal users. It adds that it hopes the site continues to contribute towards the individual character of Shardlow Wharf.

3.8 In answer to the comments made officers have the following comments:

- The mature Birch tree is 2.2m from the new conservatory. The Birch is not in a vigorous stage of its growth cycle as it has reached maturity. Therefore it should not cause damage to the twin layered brick wall. There has been some minor damage to the lower three courses of the brick wall. This could be due to root damage causing minor movement. Alternatively the soil is stacked proud of the surrounding soil levels on the neighbours garden. The wall is therefore acting as a retaining wall. The wall could be repointed and reinforced.
- The soil is sandy therefore Birches can be grown in close proximity to buildings.
- Birch does produce minute clusters of seed in autumn but this is generally insufficient to justify the removal of a tree.
- There has been some comparatively minor storm damage to 2 or 3 branches in the upper crown. These are hung up in the crown and it would be pertinent to remove them for safety reasons. However they are well hung up and have survived very strong gales and minor crown damage occasionally happens to Birch and the tree will compartmentalise the infection with the wounds callusing over and the tree will naturally shut out the dead wood area. Many birches have their tops cut out and yet they do survive. In effect this has happened in this case following minor storm damage.

4.0 Planning Assessment

4.1 The primary concern of the objectors relates to a Birch tree. The tree is of high amenity value both visually in the streetscene and in terms of the contribution it makes to the setting of the canal, which is within the Shardlow Wharf Conservation Area. The blockages to drains and gutters and the scattering of twigs, leaves, sap and seeds is common when residential properties are so close to trees and is normally a matter of routine garden and building maintenance. Whilst these matters are clearly inconveniencing the occupier they are not sufficient reason to justify removing the tree with the resultant loss of amenity.

4.2 The tree is mature and therefore past its vigorous growth stage. This combined with its position on sandy soil is unlikely to result in the tree damaging the property from below ground activity. The top tip of the tree has been snapped off in the gales and

is well lodged high in the canopy. It would be advisable for this to be removed and the occupier has been informed of this. Apart from small twigs there is no evidence to suggest that larger branches will fall from the tree that could be a threat to life and property.

- 4.3 There is some slight disturbance at the base of the boundary wall next to the tree, but this is only minor and could be rectified if considered necessary.

5.0 Conclusion

- 5.1 The concerns expressed by the objectors relating to the Birch tree are insufficient to warrant its removal from the proposed order. The other trees proposed in the order are not areas of concern. Therefore, there is no justification to confirm the order other than in its draft form.

6.0 Financial Implications

- 6.1 None

7.0 Corporate Implications

- 7.1 None

8.0 Community Implications

- 8.1 None

9.0 Background Papers

- 9.1 30 November 2001 Tree Preservation Order
5 January 2002 letter and photographs from neighbour
4 January 2002 e-mail from neighbour
29 January 2002 e-mail from neighbour
8 February 2002 letter from owner
28 February 2002 e-mail from neighbour
28 February 2002 letter from British Waterways