

PROPOSED TREE PRESERVATION ORDER
At
2 Church Hill, Littleworth, Cannock, WS12 1BA.

TPO NO. 2020/01

1. Purpose of Report

- 1.1 To seek Members approval to confirm Tree Preservation Order No. 2020/01

2. Background

- 2.1 An enquiry was received from a local tree surgeon who wished to check if both trees were subject to TPOs as the resident wished to fell them.
- 2.2 The tree officer visited the site to determine the situation. It was immediately obvious that both trees were highly visible from the street scene and that their removal would have a significant negative impact on the local area.
- 2.3 The TPO was produced to protect 1 x Pine and 1 x Sweet Chestnut within the front garden.
- 2.4 It should be noted that the production of the TPO does not prevent reasonable or essential works, only that it allows the Council to exercise a level of control that prevent inappropriate and damaging tree works.

3. Objection to TPO and Officer Response

3.1 Objection A:

The property is currently rented to an elderly person who feels that the driveway is unsafe due to extensive cracking and the uneven surface. They feel it is a risk to visitors.

Objection A – Officer Response:

While it is agreed that the driveway is a potential trip hazard this is not entirely as a result of the tree in the opinion of the tree officer. The driveway is very old with quality of the subbase unknown. The slabbed part in particular appears to be laid directly onto the soil and this would result in settlement and displacement which would be made worse by the tree roots potentially. The felling of high amenity trees is inappropriate to address an issue of a poorly constructed and very old driveway that is showing some distress. The drive will need to be repaired irrespective of the tree removals as the owner has a duty of

care under Occupiers Liability. There are a number of engineering solutions available that would allow for the drive to be replaced with the trees in situ in a way which would minimise the risk of future damage. This has not been considered but would be the most appropriate way forward.

3.2 Objection B:

The landlord has taken advice from a forester of the Forestry Commission who states that if they trim the roots of the Pine back to repair the drive, this would make the tree unstable and vulnerable to failure during strong winds. They state that the roots of the Sweet Chestnut could be cut back without destabilising but this would damage the adjacent retaining wall.

Objection B – Officer Response:

Forestry is not the correct profession to be consulting in this instance. Foresters specialise in growing trees as a commercial timber crops, they are unlikely to be qualified to give advice which relates to arboriculture, planning or tree related structural damage. This would be the domain of the arboricultural consultant. A competent arboricultural consultant would be able to prepare a method statement for installing a new drive using a no-dig solution that would not damage the trees. The statement that the roots of the Sweet Chestnut could be cut back without stability issues is incorrect and in any case would require TPO consent. Excessive root pruning will cause stability issues irrespective of species.

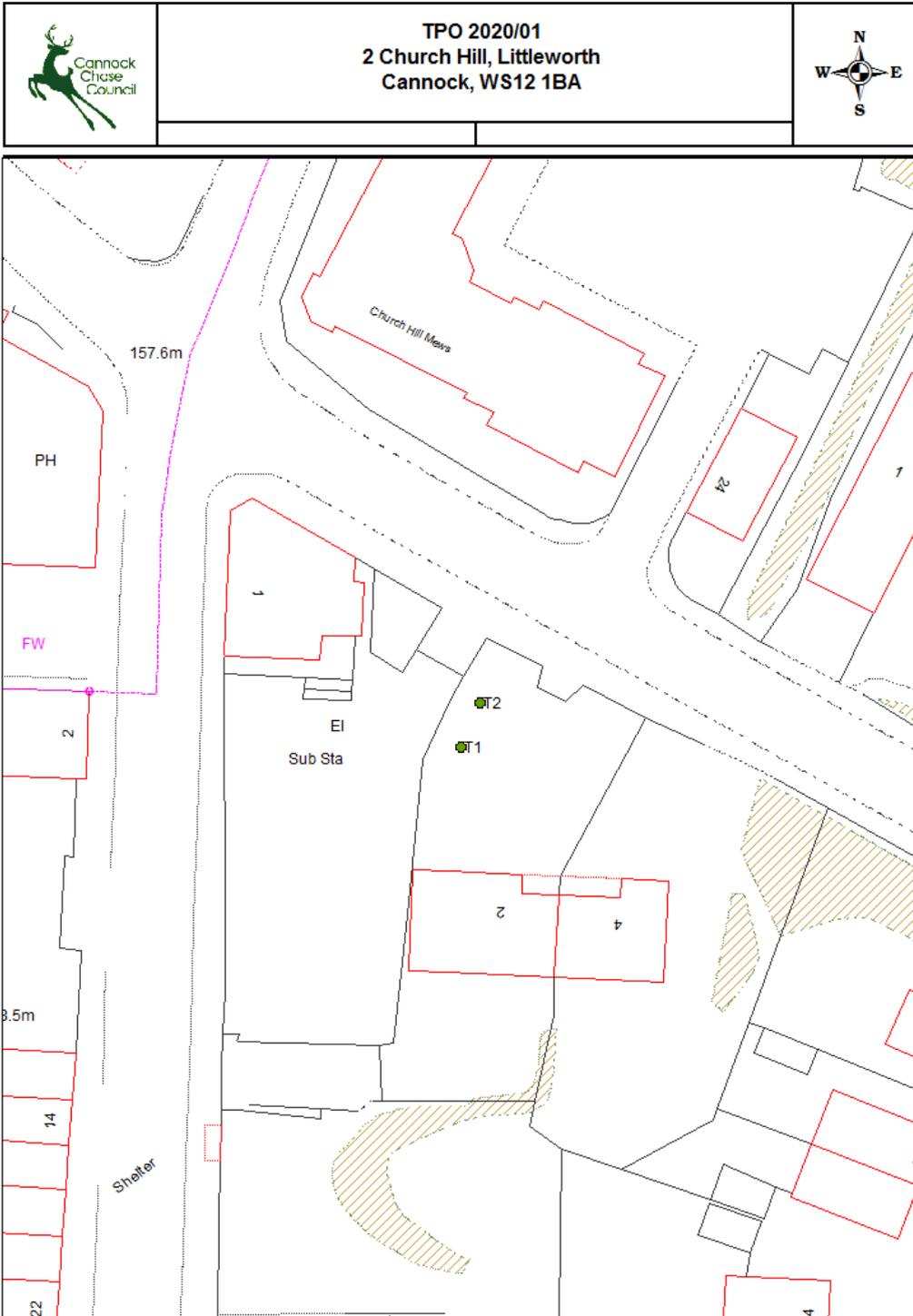
4. Human Rights Implications

- 4.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to confirm the order is considered to be expedient in the interest of amenity as required by S198 of the Town and Country Act 1990. This potential interference with rights under Article 8 and 1 of the First Protocol have been considered in reaching this decision. The objector has a right to make an application to fell or do works to the tree which if refused can be appealed to the Secretary of State for Local Government, Transport and the Regions.

5. Recommendation

- 5.1 That TPO 2020/01 should be confirmed without modification.

Appendix A – TPO Plan



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.Appendix B – Street Scene Image



View from East – Source Google



View from West – Source Google