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Cabinet Member for City Services

20<sup>th</sup> October 2021

**Name of Cabinet Member:**

Cabinet Member for City Services Councillor P Hetherton

**Director Approving Submission of the report:**

Director of Streetscene and Regulatory services

**Ward(s) affected:**

Wainbody

**Title: Petition – Save the tree on the corner of Beanfield Avenue and Medland Avenue**

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**Is this a key decision?**

No

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**Executive Summary:**

This report responds to a petition containing 167 signatures which was submitted to Coventry City Council in September 21. The petition is supported by Councillor M Heaven, a Wainbody Ward Councillor and requests that the tree on the corner of Beanfield Avenue and Medland Avenue be saved from felling.

**The petition reads:**

“We the undersigned petition the Council to abandon its plan to remove the three in the aforementioned position. Grounds for removal is a letter from West Midlands Passenger Transport”

**The petition provides the following justification:**

“We have received a letter from the Council that the last tree in the Beanfield Avenue opposite Medland Avenue is to be cut, as it is deemed hazardous for the passing buses. This tree is opposite the houses numbered 87 and 89 Beanfield Avenue. My wife and I reside in this street.

This tree is no further overhanging into the road than any other tree along the Beanfield Ave. We can provide overhang measurements that compare to a significant number of the trees further up this road. This tree has less span and overhang. The slope of the road near the tree is also so little that the argument for buses tilting towards the tree is unfounded.

The trees in Beanfield Ave are pruned every 5 years by the council to ensure that they do not impede the traffic as well as limiting the tree root system growth. The pruning is now overdue.

The council has proposed to cut the tree and replace it with a small tree. This itself is problematic, removing the tree stump and making the spot good and wide for the root growth of the new tree is pretty complex. Most likely scenario is that in order to avoid damage to surrounding tarmac, workers would remove the stump of the cut tree, (some 45cm in diameter), place the new tree in a small root space surrounded by woody roots of the old tree, thus leaving the tree to wither and die (similar disastrous exercise can visibly seen in the Woodside Ave South).

We understand the background for the letter from the Council. Normally there are no cars parked under this tree and as it is near the T-junction of Beanfield Ave and Medland Ave. Bus drivers naturally pull closer to the curb for the safety against oncoming or corner traffic at this T-junction.

A faster passing bus and may be driving with lesser care and attention could result in the bus coming close to the low rising curb, part mount it and in due course upper deck to scratch part of the upper trunk.

This tree provides strong privacy for our houses right across the street. They date back to pre-war when the houses in the upper half of Beanfield Ave were built. A new tree (if it survives) would take decades to grow and in the meantime environmental and green spaces are further eroded”.

**Recommendations:**

The Cabinet Member for City Services is recommended to:

1. Consider the content of the petition and note the concerns of the petitioners
2. Note the potential options outlined for dealing with the tree
3. Endorse the option of narrowing the carriageway of the road by placing road markings on the edge of the carriageway.

**List of Appendices included:**

None

**Background papers:**

None,

**Other useful documents**

None.

**Has it been or will it be considered by Scrutiny?**

No

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

## **Title: Petition – Save the tree on the corner of Beanfield Avenue and Medland Avenue**

### **1. Context (or Background):**

- 1.1 On the 28 July 2021, the Urban Forestry Officer was notified by Travel West Midlands, that one of their buses had struck a tree on Beanfield Avenue. The tree is a mature pollarded European Lime tree *Tilia x europaea* situated close to number 89 Beanfield Avenue and a bus stop. The tree is pollarded once every 5 years. As the bus was manoeuvring from the stop and around some parked vehicles, it hit the tree. The damage will be dealt with by Travel West Midlands on this occasion, as they determined that the tree was not over the carriageway.
- 1.2 The Urban Forestry Officer assessed the tree and found that the wound on the upper limb indicating the point of impact, is directly over the kerb.
- 1.3 The Design Manual for Roads and Bridges requires that all highways should have a 'Structure Free Zone' of 450mm behind the kerblines, that allows for a high sided vehicle to lean with the camber of the road surface. This defines that the tree in question is within the zone and that we should take action.
- 1.4 It could be said that nearly all trees, particularly those in Beanfield Avenue are within this zone, but it would be unreasonable for the council to remove them all, as most will not cause damage and so there is no expectation or duty to remove them all as part of active maintenance. Only those which we can foresee are going to cause damage or injury require action of some sort. So, when we are notified of a collision incident, we then have to take action, to prevent a similar event occurring. If we fail to take action, this would be seen by any court as negligence.
- 1.5 Many residents have commented on the type of bus that is deployed on the number 9 route that takes in Beanfield Avenue and have requested that this is reverted to the older type of single deck buses that were operated a few years ago. This is a matter for Travel West Midlands and has no effect on this tree and how the city council manages it. The incident has occurred and so we are on notice and need to take action to prevent a negligent situation in the future.

### **2. Options for dealing with the tree:**

- 2.1 Remove and replace the tree. Replacing the tree will cancel out the liability and any possible negligent situation from occurring in the future. The new tree is proposed to be a Norway Maple variety called 'Perfect Upright' full name being *Acer platanoides* Perfect Upright. The crown habit of this variety will provide high level amenity whilst reducing the need for constant pruning away from highway and property.
- 2.2 This option also brings positive urban forestry benefits such as one less tree to be pollarded every 5 years and trunk growth removed annually, therefore reducing our expenditure. It will also increase the species diversity of this road which will help us to work against the risk of tree loss through pests and diseases. We should aim to have a minimum of 5 different species in each road, to prevent widespread tree loss from new and emerging diseases like Ash dieback that is going to kill approx. 95% of all Ash trees. Such a disease on Lime trees would devastate Beanfield Avenue, should we face such a

problem. Working against this risk in all locations, when the opportunity presents itself, should not be avoided.

2.3 Pruning the tree. The part of the tree to be removed, in order that we meet the highway standard of a structure free zone would leave the tree in poor condition and would lead to decay in the main trunk in the coming years. Its appearance would not be 'tree like' and it would still need to be pruned regularly. The amenity value of the tree would be reduced significantly.

2.4 Narrow the carriageway of the road by placing road markings on the edge of the carriageway. This is the recommended option. This option would provide visual warning to drivers, of the presence of the tree on the edge of the carriageway. This option would not completely cancel out the liability that exist after the first damage event, but it demonstrates that we are taking action to prevent a similar event from occurring again. Placing reflectors on the tree may also be considered. The cost of undertaking this work can be met from within existing highway revenue resources.

This option also provides time for the city council to progress the consultation on how the Urban Forest is managed in Coventry.

### **3. Results of consultation undertaken**

3.1 No consultation has taken place on this issue

### **4. Timetable for implementing this decision**

4.1 To be agreed subject to approval and of a recommendation within this report

## **5. Comments from Director of Finance and Director of Law and Governance**

### **5.1 Financial implications**

The cost of undertaking road markings is estimated at £300 to £400 can be met from within Highway service revenue resources.

### **5.2 Legal implications**

There are no legal implications

## **6. Other implications**

None

### **6.1 How will this contribute to the Council Plan ([www.coventry.gov.uk/councilplan/](http://www.coventry.gov.uk/councilplan/))?**

The Councils tree stock is highly valued by the citizens of Coventry and contribute greatly to improving the quality of life to those that live and work in the City, help to improve the environment and provides valuable wildlife habitats.

**6.2 How is risk being managed?**

Risk will be managed through the existing Place directorate risk profile.

**6.3 What is the impact on the organisation?**

Continued maintenance of the site and trees will be delivered using existing resources.

**6.4 Equality Impact Assessment (EIA)**

No equality impact assessments have been undertaken

**6.5 Implications for (or impact on) climate change and the environment**

No direct impact

**6.6 Implications for partner organisations?**

None

**Report author(s):**

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Julie Newman	City Solicitor and Monitoring Officer Legal Services	Law and Governance	6 <sup>th</sup> Oct 21	7 <sup>th</sup> Oct 21
Tim Wetherhill	Urban Forestry Officer,	Street Pride and Green spaces	6 <sup>th</sup> Oct 21	6 <sup>th</sup> Oct 21
<b>Names of approvers for submission:</b> (officers and Members)				
Andrew Walster	Director (Streetscene and Regulatory Services)		8 <sup>th</sup> Oct 21	12 <sup>th</sup> Oct 21
Colin Knight	Director (Highways and Transportation)		6 <sup>th</sup> Oct 21	6 <sup>th</sup> Oct 21
Councillor P Hetherton	Cabinet Member for City services		7 <sup>th</sup> Oct 21	11 <sup>th</sup> Oct 21

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