



DEVELOPMENT CONTROL COMMITTEE: –

29 May 2008

REPORT OF HEAD OF REGENERATION - DELIVERY AND DEVELOPMENT

APPLICATION TO FELL THREE PROTECTED TREES AT W.H. MARREN LTD, TEMPLE BAR, WILLENHALL, WV13 1SD.

1. **PURPOSE OF REPORT**

To seek the determination of the application to fell two Poplar trees and one Sycamore tree contained in application 08/0637/TR protected by Tree Preservation Order 16 of 2007. This application has been brought to Development Control Committee because there is significant public interest.

2. **RECOMMENDATIONS**

The Committee is recommended to:

- To grant consent for the removal of the two Poplar trees and to refuse consent for the removal of the Sycamore tree.

3. **FINANCIAL IMPLICATIONS**

None arising from this report.

4. **POLICY IMPLICATIONS**

Policy ENV18 of the Council's UDP (Existing Woodlands, Trees and Hedgerows) commits the Council to ensuring the protection, positive management and enhancement of existing trees and to resisting development where it would damage or destroy trees protected by a Tree Preservation Order. In cases where development is permitted involving the loss of trees, developers are required to minimise the loss and to provide appropriate planting of commensurate value.

5. **LEGAL IMPLICATIONS**

Failure to comply with a Tree Preservation Order renders anyone carrying out unauthorised works to trees liable to criminal proceedings.

6. **EQUAL OPPORTUNITY IMPLICATIONS**
None arising from this report.
7. **ENVIRONMENTAL IMPACT**
The management of Walsall's tree cover through the administration of the Tree Preservation Order system has positive implications in protecting trees for their visual and environmental benefits. Removal of protected trees is often necessary because trees have a finite lifespan and may also cause nuisance or damage. In these instances the Council has to decide whether the removal of protected trees is justified. In the event that felling a tree is permitted, the Council can secure replacement planting to maintain tree cover.
8. **WARD(S) AFFECTED**
This application relates to the Willenhall South ward.
9. **CONSULTEES**
Owners and near neighbours were consulted on this application.
10. **CONTACT OFFICER**
Andrew Cook - Extension: 2447
11. **BACKGROUND PAPERS**
File reference 08/0637/TR

Steve Lewis
HEAD OF REGENERATION DELIVERY AND DEVELOPMENT

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29 May 2008

APPLICATION TO FELL THREE PROTECTED TREES AT W.H. MARREN LTD, TEMPLE BAR, WILLENHALL, WV13 1SD.

REPORT DETAIL

Application number: 08/0637/TR

Applicant: Mr. J. Crook, Ace Tree Management, 6
Maxstoke Close, Bloxwich, WS3 3TN.

Date received: 15 April 2008

Expiry date: 10 June 2008

Reason for bringing to committee: Community interest in application.

Application and Site Details

This is an application to fell two mature Poplars and one semi-mature Sycamore adjacent the western boundary of the W.H. Marren site in Temple Barr, Willenhall. One Lombardy Poplar is also indicated for removal on the application but it is not protected by a Tree Preservation Order and will not be considered as part of this application.

Policy Guidelines

National guidance relating to trees in Tree Preservation Orders and Conservation Areas is found in 'Tree Preservation Orders. A guide to the law and good practice' March 2000

Adopted UDP: Policy ENV19: Existing woodlands, trees and hedgerows, states:

- (a) 'The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows'.

Relevant Planning History

Previously: Application 07/2469/TR/T1 to coppice two Poplars, fell one Sycamore, one Cherry and one Poplar and to remove crossing branches from two Sycamores. Walsall Council refused the coppicing of the two Poplars and the removal of crossing branches and consented to crown thinning of the Sycamores by 10 to 15% and crown cleaning of the Poplars by the removal of dead, dying or dangerous branches. The Cherry was not protected by the Tree Preservation Order and was not considered as part of the application.

Representations

Two representations and one petition with seventy nine signatures were received in objection to the application. Responses were received from nos. 2 and 2A, Thompson Street Willenhall, WV13 1SY and the petition contained signatures from residents of Thompson Street, Thompson Close and Harper Street.

A response by letter from the owner/ occupier of 2, Thompson Street, WV13 1SY states that the trees contribute to the lovely leafy peacefulness of the area and that they strongly object to their removal, the letter further states that in this age of caring for the environment we should be planting more trees.

A response by letter from the owner/ occupier of 2A, Thompson Street WV13 1SY states that the removal of the existing beautiful mature trees will change the pleasant view and allow increased noise from the W.H. Marren yard to echo along the roads and gardens.

The petition that contains seventy nine signatures from the residents of Thompson Street, Thompson Close and Harper Street object to the proposed removal of the trees as they provide a screen which 'hides Marrens scrap yard'.

The Council understands the significance of these trees and their value to the local landscape and community. Their loss will not be permitted without strong justification. For example, if it was proven that the trees should be removed for health and safety reasons due to their poor physiological and / or structural condition or causing or likely to cause unacceptable nuisance or damage.

In accordance with Section 206 of The Town and Country Planning Act 1990 any trees that are removed as a result of this application would be subject to a requirement for replacement planting within twelve months of their removal.

Determining Issues

The Council has to determine if the removal of the three trees is justifiable on the grounds put forward by the applicant.

Observations

The Sycamore tree is a semi mature specimen which from a ground inspection appears to be in a good condition. The tree, as an individual, is not an outstanding specimen but it forms part of a group of three Sycamores which, as a group, are of some merit as they provide a screen between the residential properties and the W.H. Marren yard.

The Poplar trees are both over-mature specimens which are showing signs of decline and both contain significant deadwood throughout the crowns. Due to their size most of the crown is concentrated towards the top of the tree and consequently their ability to screen W.H. Marrens yard from the local residential properties is limited.

The southern most Poplar has one large hung up branch in the upper crown and there is also evidence of the tree having dropped two other significant branches in the past as indicated by 'torn' stubs.

The northern most Poplar tree has recently had a large lateral limb removed that extended over the yard area, this was agreed after a site visit revealed a stress crack along the limb which rendered it structurally unsound, this is not uncommon with trees of this species, size and age.

Trees are biological structures and have a finite lifespan; the Poplar trees are approaching the end of their safe useful life expectancy and due to their location and likelihood of structural weakness now pose an unacceptable risk to persons and property.

The Council also recognises the concerns raised regarding the further proposed development of the site and the existing noise and dust, however, the application for the removal of the two Poplar trees and the Sycamore needs to be considered separately from any of these issues raised.

Recommendation

The Committee is recommended to part approve and part refuse the application.

Conditions and Reasons (or reasons for refusal)

Walsall Metropolitan Borough Council, as a Local planning Authority, hereby **refuses** consent for the following works as shown in this application;

- To remove the Sycamore.

For the following reason;

- From a ground inspection the tree appears to be in a good condition and as part of a group the tree provides a good screen between the residential properties and W.H. Marrens yard.

Walsall Council as Local Planning Authority hereby **grants** consent for the following works as shown in this application;

- To remove the two Poplar trees.

Subject to the following conditions;

The date of felling shall be notified to the Local Planning Authority within one week of felling. The trees felled shall be replaced within 12 months of notification with two extra heavy standard London Plane (*Platanus x hispanica*) planted at a location agreed in writing by the Local Planning Authority. The Local Planning Authority shall be notified in writing when the replacement trees have been planted.

Reason: Pursuant to the requirements of Section 197 of the Town and Country Planning Act 1990.

All tree surgery shall be carried out by a contractor approved by the Head of Regeneration, Delivery and Development, or a person who is appropriately insured and competent in such operations.

Reason: To ensure a satisfactory standard of work.

This permission expires 2 years from the date of the decision and any works not undertaken by the date of expiry shall be the subject of a further application.

Reason: In order to give the Local Planning Authority an opportunity of reassessing the condition of the trees in the event of the works not being carried out.

**APPLICATION TO FELL THREE PROTECTED TREES AT W.H.
MARREN LTD, TEMPLE BAR, WILLENHALL, WV13 1SD:
LOCATION OF TREES**

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