



Walsall Council

PLANNING COMMITTEE

4TH October 2018

REPORT OF THE HEAD OF PLANNING, ENGINEERING AND TRANSPORTATION – DEVELOPMENT CONTROL

APPLICATION TO FELL 1 SYCAMORE TREE AT 14 THE PINES, WALSALL WS1 3AN.

1. **PURPOSE OF REPORT**

Reason for bringing to committee: Councillor Call-In

2. **RECOMMENDATIONS**

Refuse Consent

3. **PROPOSAL**

T1 Sycamore - Fell to ground level.

4. **SITE AND SURROUNDING**

The property is located on the northern side of The Pines and is surrounded by similar residential development. The property comprises of an occupied semi-detached house set central to the plot with gardens to the front and rear. The front garden is predominately grass with a pedestrian paved entrance leading to the eastern side of the property, to the side and rear of the house there is a paved patio area which leads down on to the garden.

5. **RELEVANT PLANNING HISTORY**

12/1331/TR: Fell Sycamore tree (replant with Birch) – Grant Consent.

08/0991/TR: Crown thin 2 trees in rear garden – Part Approve/Part Refuse.

03/1690/TR/T2: Cut back branches – Grant Consent.

6. **RELEVANT POLICIES**

National guidance explaining the regulations governing Tree Preservation Orders can be found in the National Planning Policy Framework, Planning Practice Guidance -Tree Preservation Orders and Trees in Conservation Areas (updated 06 March 2014).

Saved UDP Policy: ENV18: Existing woodlands, trees and hedgerows, states: 'The Council will ensure the protection, positive management and enhancement of existing woodlands, trees and hedgerows'.

7. **CONSULTATION REPLIES**

N/A

8. **REPRESENTATIONS**

No representations have been received.

9 **DETERMINING ISSUES**

1. Whether the proposed works are justified having regard to the reasons put forward in support of it.
2. Whether the proposed works will be detrimental to the amenity, aesthetic and landscape value of the locality.

10 **ASSESSMENT OF THE PROPOSAL**

Site Visit: 23/07/2018

Tree(s): 1 Sycamore.

The tree, the subject of the application, is listed within G1 of Tree Preservation Order (TPO) No. 1/1968. The TPO protects a large number of trees within and around the periphery of Emery Close and The Pines. For additional reference only, the Church Hill Conservation Area lies immediately adjacent to the rear boundary.

Whilst the application doesn't cite any reasons for requesting the felling of the tree, it is accompanied by a report based on an aerial inspection of the tree undertaken by Braemar Arboriculture Limited (the "Report"). A summary of the issues raised by the report are as follows:

- The root zone of the tree has been compromised by the construction of a foundation slab within the trees root zone.
- The southern stem of the tree has been compromised by two cavities developing within 3m of each other.
- The long-term retention of the tree within an acceptable level of safety to the tree owner and the residents of the neighbouring property is not feasible without disfiguring the tree beyond the scope of acceptability.
- The tree as an individual specimen offers low amenity value due to the presence of similar trees within the locality.

The Council's response to these points are as follows:

- *"The root zone of the tree has been compromised by the construction of a foundation slab within the trees root zone."*

Whilst the concrete slab appears a new installation, it has only replaced a previous slab that was present on site for many years. It is slightly longer than the previous slab although the extra length was added to the side furthest away from the tree. It is therefore considered that the effect on the root zone by the replacement and increase in size of the concrete slab in the neighbouring property is minimal and acceptable.

- “The southern stem of the tree has been compromised by two cavities developing within 3m of each other.”

It is agreed that the tree exhibits 2 cavities, referred to as Wound 1 and Wound 2, on the main stem at the heights stated. Confirmation of the extent of the cavities could not be undertaken by the Council due to the need to climb the tree so the comments below assume the dimensions are accurate. However, it must be stated that no photographic evidence to support the author’s comments were submitted with the report, which would have given greater justification for the proposed works.

The report indicates that the extent of the cavities, and their effect on the structural integrity of the tree, has been assessed with reference to industry publication *Research for Amenity Trees No.4 – The Body Language of Trees, A Handbook for Failure Analysis* although there is no specific reference to the guidelines contained within it.

In assessing the effect of cavities on the structural integrity of trees, *The Body Language of Trees* cites research undertaken on 1200 broken and standing broadleaved and coniferous trees to determine just how hollow a tree can be before it becomes dangerous. To summarise the results, the ratio of the thickness of the remaining wall to the radius of the hollow stem lay between values of 0.2 – 0.3. No tree with a value above 0.3 was found broken. See Figure 18 below.

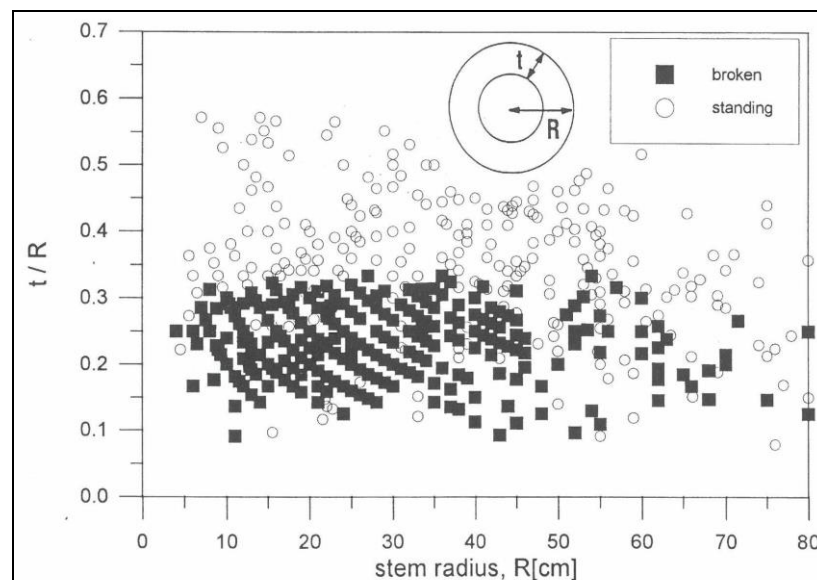
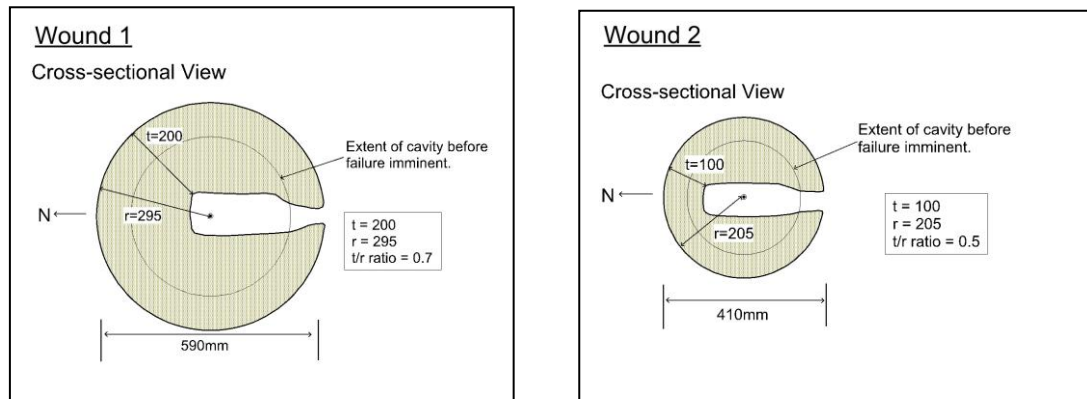


Fig 18. The thickness of the remaining wall t is divided by the external radius R as the ratio (t/R) and plotted against the tree radius R .

Black squares: broken, hollow trees.

Open circles: hollow but still unbroken trees.

With reference to the above, and taking into account the dimensions noted in the Report, the cavities have been assessed as having t/r ratios of 0.7 (wound 1) and 0.5 (wound 2). This is well within the realms of acceptability and indicates that the trees pose no immediate risk of failure. See diagrammatical representation below.



- *“The long-term retention of the tree within an acceptable level of safety to the tree owner and the residents of the neighbouring property is not feasible without disfiguring the tree beyond the scope of acceptability.”*

This statement would be considered acceptable if the extent of the cavities, and their effect on the long-term health and condition, were as stated. However, the Councils disagrees with the assessment of the cavities as described in the Report regarding the risk they pose, therefore the need for significant remedial works is severely reduced as the risks are reduced.

Therefore, in relation to the risks posed by the cavities, it is considered that minor works, if any, are considered more appropriate at present than complete tree removal.

- *The tree as an individual specimen offers low amenity value due to the presence of similar trees within the locality.*

The tree sits at the northern end of a group of several trees of similar species, in the rear gardens of nos. 2 – 14 The Pines. It is one of the better formed trees and has not been influenced by the presence of other trees, as is common with trees grown in groups. This is evident in the photograph at Appendix 1, showing the subject tree and its 2 near neighbours, which was taken from the public footpath to the front of the site.

It is clear to see that the tree is easily viewed between the properties and is of good shape and form. And whilst it is included in a group designation within the TPO, it is considered that this tree is of sufficient shape and form to be classed as an individual.

The term ‘amenity’ is not defined in law, so Local Authorities are advised to exercise judgment when assessing trees for inclusion in a TPO. The Council uses a nationally recognised system of assessment called TEMPO (tree Evaluation Method for Preservation Orders), which ensures a consistent approach to considering trees for formal protection. The subject tree has been assessed, as a result of the Report author’s comments in relation to its amenity value.

The evaluation form is attached at Appendix 2. It is self-explanatory but clearly indicates that the tree is worthy of inclusion in a TPO. Therefore, the Council disagrees with the statement that the tree offers low amenity value.

11 CONCLUSIONS AND REASONS FOR DECISION

1. Whilst it is recognised that the tree has a fault on the main stem, it is considered that the fault is well within manageable limits at present and it is by no means certain that any active decay inside the cavities will continue to be active. Tree responds to wounding (man-made or otherwise) by trying to seal the wound with callus and woundwood growth. These return strength to the area of wounding and, when completely sealed, significantly restrict the growth or spread of active decay due to restricted oxygen levels and an unfavourable ratio of oxygen and moisture. It is considered that the wounds on this tree will completely seal over in the next few years, significantly increasing the strength of the stem in this area and reducing the potential for any active decay to spread.
2. The tree is of good shape and form.
3. The tree is prominent in the locality and make a useful contribution to the amenity, aesthetic and landscape value of the area.

Therefore, the Report author appears to have been over enthusiastic in his recommendations to recommend its removal.

12 RECOMMENDATION

Part Approve/Part Refuse

13 CONDITIONS AND REASONS

Refuses Consent for the Following Work(s):

1. T1 Sycamore - Fell to ground level.

For the Following Reason(s):

1. The tree is prominent within the group of trees to the rear of 2 – 14 The Pines and its removal would be detrimental to the amenity, aesthetic and landscape value of the area.
2. The proposed removal of the tree is not justified at present and the reasons for its removal do not outweigh the positive contributions that the tree provide to the locality.

Grant Consent For the Following Work(s):

1. T1 Sycamore – thin the crown by the removal of approximately 15% of secondary and small, live branch growth from throughout the crown to produce an even density of foliage around a well-spaced and balance branch structure.

Subject to the Following Condition(s):

1. 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 tree in the event of works not being carried out.

2. All tree surgery work shall be in accordance with British Standard 3998: 2010 "Tree Work - Recommendations".

Reason: To ensure a satisfactory standard of work.

3. All tree surgery shall be carried out by a person who is appropriately insured and competent in such operations.

Reason: To ensure a satisfactory standard of work.

4. The applicant shall give at least 5 working days' notice prior to any works in order that a mutually convenient time can be arranged with the Borough Council to discuss the extent of the works and/or supervise the works with the contractor on site.

Reason: To ensure a satisfactory standard of work.

Notes for applicant

1. All 18 species of bat found in Britain are fully protected under the Wildlife and Countryside Act 1981 (as amended by National and European legislation). The applicant should inspect the trees for the presence of bat activity. If bats are discovered during inspection or subsequent work, all work must cease immediately and Natural England must be informed. They can be contacted on 0845 600 3078.
2. All wild birds, their nests and eggs are protected under the Wildlife and Countryside Act 1981. It is an offence to damage or destroy a nest of any wild bird. Birds are generally nesting between March and July, although exceptions to this do occur.
3. This consent to undertake work to the tree(s) does not give consent for any person to enter the land where the trees are situated for the purposes of undertaking the works without the formal consent of the landowner.
4. You may remove deadwood under Regulation 14(1)(b) of the Town and Country Planning (Tree Preservation)(England) Regulations 2012 as this operation is exempt from the need to obtain formal planning permission.

14 CONTACT OFFICER

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Steve Pretty,
HEAD OF PLANNING, ENGINEERING AND TRANSPORTATION

APPENDIX 1



APPENDIX 2

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 20/09/2018	Surveyor: Cameron Gibson	
Tree details		
TPO Ref (if applicable): 1/1968	Tree/Group No: G1	Species: Sycamore
Owner (if known):	Location: 14 The Pines, Walsall	

Part 1: Amenity assessment

a) Condition & suitability for TPO

- | | |
|--------------------------|-------------------------|
| 5) Good | Highly suitable |
| 3) Fair/satisfactory | Suitable |
| 1) Poor | Unlikely to be suitable |
| 0) Dead/dying/dangerous* | Unsuitable |

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes

3 – presence of minor cavities downgrades score.

b) Retention span (in years) & suitability for TPO

- | | |
|-----------|-----------------|
| 5) 100+ | Highly suitable |
| 4) 40-100 | Very suitable |
| 2) 20-40 | Suitable |
| 1) 10-20 | Just suitable |
| 0) <10* | Unsuitable |

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes

2 – solely based on the assumption that the cavities will increase in extent although this is not certain.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- | | |
|---------------------------------------------------------------------|---------------------|
| 5) Very large trees with some visibility, or prominent large trees | Highly suitable |
| 4) Large trees, or medium trees clearly visible to the public | Suitable |
| 3) Medium trees, or large trees with limited view only | Suitable |
| 2) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

Score & Notes

3 – downgraded from 4 due to back garden location only.

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes

4 – principle member of group due to better shape and form.

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes

5 – application to fell.

Part 3: Decision guide

- | | |
|-------|-----------------------|
| Any 0 | Do not apply TPO |
| 1-6 | TPO indefensible |
| 7-11 | Does not merit TPO |
| 12-15 | TPO defensible |
| 16+ | Definitely merits TPO |

Add Scores for Total:

17

Decision:

Definitely merits a TPO