



## PLANNING COMMITTEE

4<sup>th</sup> November 2021

### REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL – DEVELOPMENT MANAGEMENT

#### APPLICATION TO REMOVE 6 PROTECTED TREES

#### AT QUEEN MARY'S GRAMMAR SCHOOL, SUTTON ROAD, WALSALL, WS1 2PG.

#### 1. PURPOSE OF REPORT

Reason for bringing to committee: Significant Community Interest.

#### 2. RECOMMENDATIONS

Grant Consent

#### 3. PROPOSAL

G1.2 - Silver Birch - Fell to ground level. G2.2, G2.3, G2.4 and G2.5 Lombardy Poplars (4) - Fell to ground level. G3 - Ash – Fell to ground level.

#### 4. SITE AND SURROUNDING

Queen Marys Grammar School has playing fields to the south east of the main school buildings. The playing field abuts residential properties on Sutton Road to the north, Broadway North to the east and Birmingham Road to the southwest. The site has good tree cover (mainly situated around the periphery of the school) of diverse species and age ranges.

#### 5. RELEVANT PLANNING HISTORY

Application 16/1039 to prune 1 Ash given consent for 05 September 2016, application 16/1349 to fell 1 Horse chestnut refused 02 November 2016, application 17/0743 to prune 1 Sycamore given consent 25 July 2017, application 18/1565 to fell 1 Horse Chestnut given consent 11 January 2019, application 19/0944 to prune 1 Sycamore, 1 Whitebeam and to fell 1 Whitebeam part approved and part refused 11 September 2019, application 21/0923 to fell 7 trees and prune 3 given consent

23 September 2021 and application 21/0934 to fell 4 trees and prune 6 given consent 23 September 2021.

## 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:

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

## 7. CONSULTATION REPLIES

N/A

## 8. REPRESENTATIONS

7 representations have been received from a total of 5 nearby neighbours objecting to the proposed removal of the 6 trees, citing the following main concerns:

- The removal of the trees will be detrimental to the environment.
- Loss of wildlife habitat.
- No reasons have been given for the removal of the trees.
- They reduce traffic noise.
- There is no proposal to plant any replacement trees.

## 9. DETERMINING ISSUES

Whether the proposed removal of these 6 trees will be detrimental to the amenity, aesthetic and landscape value of the locality, and whether there is sufficient justification for the removal of the trees.

## 10. ASSESSMENT OF THE PROPOSAL

Site Visit: Wednesday 21/07/2021

Tree(s): 1 mature Silver Birch, 5 mature Lombardy Poplars and 1 semi mature Ash.

The trees which are the subject of this application are protected by TPO title no. 13/1972 and during the officer site visit the following observations were made:

G1.2 – a mature Silver Birch with a height of approximately 8.5m situated adjacent the rear garden boundary of 80, Sutton Road. The crown of the tree has very poor leaf cover indicating poor health. There is significant dead wood throughout the crown and one large limb has an extensive tear out wound with a hole from an old

pruning wound evident. There is also extensive bark necrosis evident on the main stem and the larger branches. Bleeding canker is evident on the main stem of the tree characterised by an oozing brown gummy residue.

G2.2 – a mature Poplar with a height of approximately 20.0m which forms part of the row of approximately 80 Lombardy Poplars that extend for approximately 250.0m adjacent the east boundary of the school playing fields. ‘Sounding’ with the nylon hammer suggests extensive decay at the base of the tree. Large buttress roots are in evidence which is also a characteristic of the presence of decay as they develop to try and strengthen the weakened area.

G2.3 - a mature Poplar with a height of approximately 19.0m which also forms part of the row of approximately 80 Lombardy Poplars adjacent the east boundary of the school playing fields. The tree has extensive decay at the base.

G2.4 – a mature Lombardy Poplar, again part of the row of 80. The tree has lost a significant part of the upper crown which has failed at a height of approximately 12.0m above ground level. In addition, the base of the tree has evidence of extensive decay.

G2.5 – a mature Lombardy Poplar with a height of approximately 20.0m. The last tree proposed for removal which forms part of the row of 80. As with the other Lombardy Poplars ‘Sounding’ with the nylon hammer suggests extensive decay at the base and large buttress roots are in evidence which is also a characteristic of the presence of decay.

G3 – a semi mature Ash situated adjacent the south west boundary with Spring Close and Jesson Court on Birmingham Road. The tree has a height of approximately 5.0m and is multi stemmed from near ground level. The tree is immediately adjacent the boundary fence and due to its significant growth potential is highly likely to cause damage and displace the fence as it increases in size.

In response to the objectors’ comments:

- Whilst it is recognised that the removal of the 6 trees will be of some detriment to the environment, wildlife habitat, the poor structural condition of 5 of the 6 trees means that there is an increased likelihood of their failure during severe weather events and that (due to their location) there is an unacceptable risk to persons and property. The area has overall good tree cover of varying ages and it is considered their loss will have little impact on the landscape quality of the area. Trees are not scientifically recognised as providing effective acoustic mitigation.
- The application makes reference to the works being proposed following a tree condition survey being undertaken in April 2021. However, the tree condition survey undertaken by a qualified arboricultural consultant was not submitted with the application and consequently the reasons for the removal of the 6 trees was not available during the applications consultation period.

The tree condition report by Wolverhampton Tree Service dated April 2021 has since been submitted to the council and the findings and recommendations are the same as contained in this report.

- Should the application be given permission in part or in full then replacement tree planting would form one of the conditions of consent on a one for one basis. The replacement trees should be planted within 12 months of the removal of any of the trees given consent for and the replacement trees should be nursery grown standards (8-10cm girth measured 1.0m above ground level).

## 11. CONCLUSIONS AND REASONS FOR DECISION

The proposed removal of G1.2 Silver Birch and G2.2, G2.3, G2.4 and G2.5 Lombardy Poplars (4) is considered justifiable due to the poor structural and physiological condition of the trees owing to the presence of extensive decay and (in the case of the Silver Birch) disease. The trees will not recover and they are more susceptible to partial or complete failure during severe weather events. It is considered that the removal of G3 Ash is justifiable to prevent direct damage to the boundary fence. The removal of the 6 trees would be subject to 6 replacement trees being planted.

## 12. RECOMMENDATION

Grant Consent

## 13. CONDITIONS AND REASONS

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 trees in the event of works not being carried out.

2. 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.

3. This decision to allow the removal of G1.2 Silver Birch and G2.2, G2.3, G2.4 and G2.5 Lombardy Poplars is subject to 5 replacement trees of the same species being planted in close vicinity to these 5 trees being removed. Due to the current restrictions in the UK due to Ash Dieback the Ash G3 should be replaced with a tree of a species to be agreed in writing by the Local Planning Authority being planted in close vicinity to the Ash G3 being removed. All of the replacement trees must be a nursery grown standards measuring 8cm to 10cm in girth (measured at 1.0m) at the time of planting and must be planted within twelve months of the removal of the trees and in accordance with good horticultural practice. To discuss the

replacement tree planting please contact Andrew Cook (Regeneration Officer – Trees) on 01922 654740 or email at [andrew.cook@walsall.gov.uk](mailto:andrew.cook@walsall.gov.uk) to.

Reason: Pursuant to the requirements of Section 197 of the Town and Country Planning Act 1990 (as amended) and to protect the amenity and landscape value of the area.

**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 September, although exceptions to this do occur.

**14. CONTACT OFFICER**

Andrew Cook - Extension: 4740

**Alison Ives,**

HEAD OF PLANNING & BUILDING CONTROL