



PLANNING COMMITTEE

2nd December 2021

REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL

APPLICATION TO REMOVE 1 PROTECTED PINE TREE AT 25, LITTLE ASTON ROAD, ALDRIDGE, WALSALL, WS9 0NP.

1. PURPOSE OF REPORT

Reason for bringing to committee: Called in by Councillor Wilson, the reason given that it requires delicate judgement.

2. RECOMMENDATIONS

Refuse Consent.

3. PROPOSAL

T1 – Pine to fell.

4. SITE AND SURROUNDING

25, Little Aston Road is a large detached house set back from the road with large front and rear gardens. To the north is Cooper and Jordan School, Branton Hill Lane is to the east, Hallcroft Way to the south and Aldridge district centre to the west. This part of Little Aston Road is characterised by mainly detached properties of a variety of designs and ages. The area has good tree cover of diverse species and age ranges.

5. RELEVANT PLANNING HISTORY

Application 05/0518/OL/E4 for a three bed dwelling in the rear garden which was refused on 06/05/2005, the application was taken to appeal which was subsequently dismissed. The Pine tree was one of a number of reasons that the application was unsuccessful as it was considered its loss would be harmful to the character of the area. Tree Preservation Order title no. 21/2005 was made to protect the Pine tree in response to this application.

Application 10/1175/TR was made to remove the Pine tree due to damage to a nearby wall and paving. The application was refused on 11/10/2010 as it was considered the wall and footpath could be repaired without having to remove the Pine tree.

Application 21/0729 was made to remove the Pine tree as it was claimed the tree was unstable in the ground due to partial failure of the root plate. The application was refused on 26/07/2021 as following inspection of the tree there was no evidence to support this.

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

Not applicable.

8. REPRESENTATIONS

1 representation has been received from 27, Little Aston Road, WS9 0NP supporting the proposed removal of the Pine tree, citing the following reasons:

- The tree is excessively large, even for the large gardens.
- The roots have lifted the patio.
- The tree sheds Pine needles on the greenhouse and lawn killing the grass.
- The tree is leaning and could fall onto the property if it fell in the wind.
- Although the tree appears healthy if sufficient strong enough wind could uproot it.

9. DETERMINING ISSUES

Whether the proposed removal of the Pine tree will be detrimental to the amenity, aesthetic and landscape value of the locality, and whether there is sufficient justification for the removal of the tree for the reasons given in the application.

10 ASSESSMENT OF THE PROPOSAL

Site Visit: 14/07/2021

Tree: 1 mature Pine tree.

The Pine tree which is the subject of this application is situated in the applicant's rear garden and is protected by TPO title no. 21/2005 and labelled T1 on the TPO schedule and also the application form. During the officer site visit and inspection of the tree the following observations were made:

T1 – Pine – a mature tree situated in the applicant's rear garden approximately 28.0m away from the rear elevation of the house. The tree has a height of approximately 19.0m and a crown spread of approximately 11.0m. The tree has a very minor lean southward. Major and minor dead wood is evident in the crown.

The reason given for the removal of the Pine tree by the applicant is '*Root plate instability (wind rock). A partial failure of the root plate causing it to rock in a high wind, when cracks open and close at the point of fracture between the root plate and surrounding soil*'. There was no evidence of this during the site inspection by the case officer, if a tree has root plate instability it is normally quite noticeable as you would see ground heave and tell-tale cracks in the surrounding soil. In addition, you would likely see the main stem of the tree moving in the wind, however, the day the tree was inspected by the case officer the weather was warm and dry with little or no wind. The tree does have a very minor lean towards the south; this minor lean is not a recent occurrence and was evident when the tree was inspected in 2010 in response to the previous application 10/1175/TR to have the Pine tree felled. The lean is historical with the tree having grown this way from an early age and consequently the root system of the tree will have adapted to it. From a ground inspection the tree appeared to be in good condition both physiologically and structurally and there were no indications of disease. There is some major and minor dead wood evident in the crown. This is typical for a tree of this species and age which has had little or no regular maintenance and its presence is no cause for concern. The dead wood can be removed from a live tree at any time without having to seek the consent of the Council.

In response to the representation:

- The size of the Pine tree is as expected for a tree of this species and age. The rear gardens at 25 and 27, Little Aston Road are very large and the Pine is not considered to be dominant and overbearing.
- There is no evidence to suggest the Pine tree is responsible for the displacement of the patio area.
- The shedding of Pine needles is a natural biological function of the tree and whilst they can be an inconvenience they only affect a small area of garden. Their removal is considered to be part of normal property maintenance and one of the consequences of living in close proximity to large trees.
- There is no evidence to suggest the Pine tree is more susceptible to failure in severe weather events than any other healthy tree and it is considered that the removal of healthy trees to safeguard against such uncommon events would be an unreasonable response.

11 CONCLUSIONS AND REASONS FOR DECISION

There was no evidence during the inspection by the officer that the Pine tree had become unstable in the ground due to partial failure of the root plate and no written evidence has been submitted with the application from an appropriate expert to support this claim. Consequently, the application is recommended for refusal.

12 RECOMMENDATION

Refuse consent.

13 CONDITIONS AND REASONS

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

- To fell Pine tree T1

For the following reason:

- On the day the tree was inspected there was no evidence of root plate instability and no evidence has been supplied by an appropriate expert that concludes the tree is unstable in the ground and that it represents an unacceptably high risk to persons or property and should be removed for safety reasons.

Note for applicant:

1. 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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