



Walsall Council

PLANNING COMMITTEE

1st April 2021

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

APPLICATION TO REMOVE PROTECTED TREES AT 13 BUCHANAN ROAD, WALSALL WS4 2EW.

1. PURPOSE OF REPORT

Reason for bringing to committee: Significant Community Interest.

2. RECOMMENDATIONS

Grant Consent

3. PROPOSAL

T1 Rowan Tree - Fell to ground level. G1 Ash Trees - Fell to ground level. G2 Elder and Prunus Tree - Fell to ground level. G3 x4 Ash trees and 1 Prunus tree - fell to ground level.

4. SITE AND SURROUNDING

The site is orientated in a northeast-southwest direction and is situated on the northeast side of Buchanan Road. The building is located towards the southern part of the site and faces southwest. The front garden area has an in-out driveway and is laid mainly to grass, the rear is laid to grass with substantial tree cover towards the rear section.

The surrounding area is predominantly residential.

5. RELEVANT PLANNING HISTORY

N/A

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

Five representations have been received from near neighbours objecting to the proposed works, citing the following concerns:

- Concerned that a larger Ash may be removed.
- The Elder and Prunus (G2) are part of a continuous run of trees and don't need removing.
- The applicant claims the trees have no long term future – this is because he plans to develop the site.
- The removal of a row of trees along the Cameron Road frontage will significantly change the character of the area.
- Removing the trees will be detrimental to the wildlife in the area.
- The gardens in this area have great visual beauty and form part of the amenity.
- Whilst recognising that trees and shrubs require maintenance, this should be done sympathetically.
- The natural aspect of the area is beneficial to the health and well-being of the local residents.
- The trees provide an element of privacy which I have a right to.

9. DETERMINING ISSUES

Whether the proposed works will be detrimental to the amenity, aesthetic and landscape value of the locality, and whether sufficient justification has been demonstrated for the removal of the trees.

10 ASSESSMENT OF THE PROPOSAL

Site Visit: 18/03/2021

Tree(s): Approximately 18 Ash, 2 Prunus, 1 Elder and 1 Rowan

The trees, the subject of this application, are located within A1 of Tree Preservation Order No. 13/2020. The TPO was made as a result of a change in ownership of the property, and reports that the site would be developed. A brief assessment of the site indicated some very fine trees that would be detrimentally affected by the reported development. The TPO has not been confirmed to date although this is forthcoming in the next few weeks.

The 18 Ash are young trees of poor shape and form, as is 1 of the Prunus. The other Prunus and the Elder are semi mature trees that have entwined themselves around each other and are of poor shape and form.

T1 Rowan – this is a young tree that appears dead. Consent has already been provided to remove this tree under Regulation 14 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012 as an exemption to normal planning controls.

G1 Ash – this is a group of young trees of poor shape and form, located adjacent to the boundary with 15 Buchanan Road. They measure approximately 3cm in diameter and appear to have previously been topped. They have no long term potential and would not be considered worthy of inclusion in a more specific Tree Preservation Order.

G2 Elder/Prunus – these trees have grown around each other and are located in the northernmost corner of the site. They are young to early mature and are approximately 5/6m in height. They would not be considered worthy of inclusion in a more specific TPO and their removal is therefore acceptable.

G3 Ash (4) and 1 Prunus – are all young trees located between the existing garage and the boundary between 13 and 15 Buchanan Road. The largest of the Ash trees (5cm diameter) has historically been partly severed at the base and is at risk of failure. It is of reasonable shape and form although it is not worthy of individual protection due to the structural issues at the base.

The remainder of the trees are less than 5cm in diameter and would not be worthy of inclusion in a more specific TPO.

I would also offer the following responses to the objectors' comments:

- The larger Ash is located within the rear garden of 15 Cameron Road and does not form part of the application. It therefore has no bearing on the assessment of the proposed works.
- The Elder and Prunus (G2) are standalone trees located in the north corner of the site. They are isolated from the remainder of the vegetation (row of Laurel) within the garden of 13 Cameron Road by a latticed gate. There is no vegetation (aside from a mature Sycamore) in the adjacent garden to the northeast. They therefore do not form part of a continuous run of trees.
- Regardless of any potential development, the trees have no long-term future due to their poor shape and form.
- The application does not pertain to the removal of a row of trees along the Cameron Road frontage. These 'trees' are Laurel bushes and not covered by the Tree Preservation Order.
- The trees that form part of this application are not considered worthy of long-term protection as they are of poor shape and form with no long-term potential.
- The removal of the trees that form part of this application will not have a detrimental impact on the amenity value of the area due to their current size and form.

- There are sufficient trees within the rear garden of the application site, and several other gardens in the immediate locality to retain a significant natural element that is beneficial to the health and well-being of the local residents.
- The trees do not provide a significant degree of screening to the residents of Cameron Road. Whilst this element can be a contributory factor in the TPO making process, it is not a consideration in this instance due to the small size and poor form of the trees.

11 CONCLUSIONS AND REASONS FOR DECISION

The proposed works are acceptable as the trees do not provide a significant contribution to amenity in the locality, and they would not be considered worthy of inclusion in a more specific TPO.

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 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

Cameron Gibson - Extension: 4741

Alison Ives,
HEAD OF PLANNING & BUILDING CONTROL