



Walsall Council

PLANNING COMMITTEE

1st April 2021

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

APPLICATION TO REMOVE 1 PROTECTED SYCAMORE TREE AT 33 FERNLEIGH ROAD, WALSALL WS4 2EZ.

1. PURPOSE OF REPORT

Reason for bringing to committee: Councillor Call-in.

2. RECOMMENDATIONS

Refuse Consent

3. PROPOSAL

To fell 1 Sycamore to ground level.

4. SITE AND SURROUNDING

The site is orientated in a northwest-southeast direction and is situated on the southeast side of Fernleigh Road. The building is centrally located and faces northwest. The front garden area is laid mainly to hard landscaping, the rear laid mainly to grass.

The surrounding area is predominantly residential although open farmland is located immediately to the southeast and golf course further beyond.

5. RELEVANT PLANNING HISTORY

14/0451: Fell Sycamore – Part Approve/Refuse

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

No representations have been received.

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: 19/02/2021

Tree(s): 1 x Sycamore

The tree, the subject of this application, is located within A2 of Tree Preservation Order No. 1/1962. It is a maturing tree of good shape and form. It is approximately 16m in height with a radial crown spread of 7m. The tree is visually prominent and provides a high level of amenity value to the locality, helping the transition between the built up area and the Green Belt and open countryside beyond.

It has a single stem to approximately 6m above ground level from where the crown breaks (the main limbs form). It appears in good condition with no visible faults or defects although minor deadwood is evident. However, deadwood is a normal function of a trees growth and is not an indicator of poor health. The crown appears slightly denser than normal although not excessively so, and the lowest branches hang at approximately 6m above ground level. The crown on the northwest side is approximately 1m from the apex of the roof and lapsed epicormic (trunk) growth is evident between 2m and 4m on the main stem.

The tree is located approximately 7.5m from the main rear elevation and approximately 6.5m from the nearest point of the single storey extension on the east side of the building. The flank boundary to 35 Fernleigh Road is 1m from the tree, as is the rear boundary. In addition, the tree is located approximately 3.5m from the single storey rear extension to 35 Fernleigh Road.

This application submits that the tree is a danger to property and life although no evidence has been submitted to support this. In addition, my inspection revealed the tree appears in good condition with no visible faults or defects.

Being a substantial deciduous tree, the Sycamore will cause a degree of seasonal inconvenience to the applicant and their neighbours in terms of the shedding of leaves and other debris, and honeydew deposition associated with aphids feeding on the leaves. However, such issues are an unavoidable consequence of owning a property close to a protected tree and do not justify the proposed works to fell a prominent healthy specimen such as this. The installation of proprietary leaf guards could help to reduce the build-up of leaves and other debris in the gutters and rainwater downpipes.

Having considered the information on the application form, my own observations on site, and the comments by the property owner at the time of my site visit, I do not consider that the reasons given are sufficient either individually or collectively to outweigh the public visual amenity afforded by the sycamore and hence warrant the proposed works.

11 CONCLUSIONS AND REASONS FOR DECISION

The government's on-line Planning Practice Guidance states that it must be demonstrable that the proposed work is a proportionate solution to the expressed concerns. The reasons given for the removal of the Sycamore do not outweigh the harm that would arise from its removal. It has demonstrable public visual amenity and is in good condition. Consequently, the recommendation is to refuse the application to fell the Sycamore tree, as the reasons given for the works applied for are not sufficient to justify its removal.

12 RECOMMENDATION

Part Approve/Part Refuse

13 CONDITIONS AND REASONS

Refuses Consent for the Following Work(s):

1. To fell 1 Sycamore to ground level.

For the Following Reason(s):

1. The tree is of good shape and form with no visible faults or defects indicating it is in good health.
2. The tree is prominent in the locality and makes a significant contribution to the amenity, aesthetic and landscape value of the area.
3. The reasons given in the application for the removal of the tree are not considered to outweigh the harm that would arise from the loss of what is a healthy tree with demonstrable public visual amenity.

Grant Consent For the Following Work(s):

1. T1 Sycamore:
 - a. Remove the trunk growth to 6m above ground level.
 - b. Prune back from the roof of the building to give 2m clearance.

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. Reduction shall be only as far as lateral growths or branches, so as to leave a flowing crown outline with no stubs.

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