



PLANNING COMMITTEE

6th October 2022

REPORT OF THE HEAD OF PLANNING & BUILDING CONTROL

APPLICATION TO REMOVE 1 PROTECTED LIME TREE AT 4, CARRICK CLOSE, PELSALL, WALSALL, WS3 5BE.

1. PURPOSE OF REPORT

Reason for bringing to committee: Significant community interest.

2. RECOMMENDATIONS

Part approve / part refuse.

3. PROPOSAL

T1 – Lime to fell.

4. SITE AND SURROUNDING

The application site is at the end of a cul-de-sac to the right of the turning head in the residential area of Pelsall. The houses are a mixture of semi-detached bungalows and semi-detached two-storey houses of similar design and age. The residential area has few mature established trees with the majority of vegetation comprising of Conifers, small ornamental trees and hedges. However, the public open space at Nest Common is approximately 50.0 metres north of the application site at 4, Carrick Close.

5. RELEVANT PLANNING HISTORY

Application 11/1269/TR to crown thin by 25% and to crown lift to crown lift to give 4.5 metres clearance above ground level given consent on 29/11/2011.

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

Four representations have been received from 2 and 6, Carrick Close, Pelsall, WS3 5BE and 5 and 7, Coven Close, Pelsall, WS3 5BD supporting the proposed removal of the Lime tree, citing the following reasons:

- Concerns that branches or the entire tree will fall during a severe weather event causing damage to nearby properties.
- Branches, leaves, pollen and sap falling into the gardens.
- Obstruction of light into the properties.

9. DETERMINING ISSUES

Whether the proposed removal of the Lime 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: 24/08/2022

Tree: 1 mature Lime tree.

The Lime tree that is the subject of this application is situated in the rear garden of 4, Carrick Close, WS3 5BE and is protected by Tree Preservation Order title no. 10/2017. The Lime tree is labelled T1 on the application form and during the officer site visit and inspection the following observations were made:

T1 – Lime – a mature tree with a height of approximately 18.0 metres and a crown spread of approximately 9.5 metres situated approximately 3.5 metres away from the single storey garage at 4, Carrick Close. The lower crown of the tree extends slightly outside of the property boundary and overhangs the rear garden of a neighbouring property at 5, Coven Close. In addition, the lower crown slightly overhangs the single storey brick garage of 4, Carrick Close. The crown of the tree has evidence of minor dead wood throughout, however, all trees of this age will generate a certain amount of dead wood as it is part of a trees natural biological process. From a ground inspection, the tree appears to be in good condition with no evidence of any significant faults, decay or indications of pest or disease.

In response to the representations:

- From a ground inspection the Lime tree appears to be in good condition with no significant defects, decay or indications of disease and there is no evidence to suggest it is more susceptible to partial or complete failure in severe weather events than any other healthy tree of the same age and species.

- The shedding of leaves, and dead wood is a natural biological function of the tree and whilst they can be an inconvenience their removal is considered to be part of routine property maintenance. Similarly, the generation of sap and pollen is also a natural biological function of the tree and is considered not to be a sufficient planning justification for the removal of a healthy protected tree which has demonstrable visible public amenity value which outweighs any potential personal inconvenience to immediate neighbours.
- The tree does cast shade on the nearby properties; however, it effects only part of the properties for part of the day, which is not considered excessive and insufficient a reason to justify the felling of the tree.

11 CONCLUSIONS AND REASONS FOR DECISION

The Lime is a healthy prominent tree with demonstrable visible public amenity value, the issues experienced by the tree owner and near neighbours are the drawbacks of living in close proximity to a mature tree, and they are not matters that would or could be used to justify the trees removal. It is considered that pruning works in the form of a crown lift to give 4.5 metres clearance above ground level and a crown thin of 30% would be acceptable which would more than address the points raised by the tree owner and those that have made representations.

12 RECOMMENDATION

Part approve / part refuse.

13 CONDITIONS AND REASONS

Walsall Metropolitan Borough Council, as Local Planning Authority, hereby **refuses consent** for the works as specified in the application:

- To fell Lime T1.

For the following reasons:

- From a ground inspection the Lime tree appears to be in good condition with no significant defects, decay or indications of disease and there is no evidence to suggest it is more susceptible to partial or complete failure in severe weather events than any other healthy tree of the same age and species.
- The shedding of leaves, and dead wood is a natural biological function of the tree and whilst they can be an inconvenience their removal is considered to be part of routine property maintenance. Similarly, the generation of sap and pollen is also a natural biological function of the tree and is considered not to be a sufficient planning justification for the removal of a healthy protected tree which has demonstrable visible public amenity value which outweighs any potential personal inconvenience to immediate neighbours.
- The tree does cast shade on the nearby properties; however, it effects only part of the properties for part of the day which is not considered excessive and insufficient a reason to justify the felling of the tree.

Walsall Metropolitan Borough Council, as a Local planning Authority, hereby **grants consent** for the following:

- Lime T1 – to crown lift to give 4.5 metres clearance above ground level and to crown thin by 30%

. Subject to the following conditions:

- 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.

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

Reason: To ensure a satisfactory standard of work.

- 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 the works not being carried out.

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.
3. 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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Alison Ives,
HEAD OF PLANNING & BUILDING CONTROL