



PLANNING COMMITTEE: –

06 October 2016

REPORT OF THE HEAD OF PLANNING, ENGINEERING &
TRANSPORTATION.

**APPLICATION TO CROWN REDUCE TWO MAPLE TREES BY 10.0m AT 8
FENNEL GROVE, STREETLY, SUTTON COLDFIELD, B74 3QY.**

1. PURPOSE OF REPORT

To seek the determination of the application to crown reduce by 10.0m two Maple trees at No. 8 Fennel Grove, B74 3QY as proposed in application 16/0827 which are protected by Tree Preservation Order title no. 05/2003 (T2 and T3 on the TPO schedule). The application form labels the two Maple trees as T3 and T4 and these labels will be used when referencing the trees throughout the rest of the report.

This application has been brought to Planning Committee due to local interest.

2. RECOMMENDATIONS

The Committee is recommended to:

- To refuse consent to crown reduce the two Maple trees T3 and T4 by 10.0m but give consent for the removal of the lowest branch on the south side back to the main stem of Maple T3 that extends towards the applicant's house roof and overhead BT line and to remove any remaining secondary lateral branches back to suitable pruning points to give approximately 2.0m clearance from the roof. In addition, to reduce any lateral branches from Maple T4 back to suitable pruning points that are encroaching towards the applicant's house roof to give approximately 3.0m clearance.

3. FINANCIAL IMPLICATIONS

In limited cases, compensation may be payable if an application for tree works is refused by the council.

4. POLICY IMPLICATIONS

Applications to carry out works to protected trees are determined in accordance with legislation and government guidance. There are no council policy implications from this application.

5. **LEGAL IMPLICATIONS**

Failure to comply with the law relating to Tree Preservation Order legislation renders anyone carrying out unauthorised works to trees liable to criminal proceedings.

6. **EQUAL OPPORTUNITY IMPLICATIONS**

None arising from this report.

7. **ENVIRONMENTAL IMPACT**

The management of Walsall's tree cover through the administration of the Tree Preservation Order system has positive implications in protecting trees for their visual and environmental benefits. Removal of protected trees is often necessary because trees have a finite lifespan and may also cause nuisance or damage. In these instances the Council has to decide whether the removal of protected trees is justified. In the event that felling a tree is permitted, the Council can secure replacement planting to maintain tree cover.

8. **WARD(S) AFFECTED**

This application is situated within Streetly ward.

9. **CONSULTEES**

Near neighbours in Fennel Grove and Mayfield Road were consulted on this application.

10. **CONTACT OFFICER**

Andrew Cook - Extension: 4740

11. **BACKGROUND PAPERS**

File reference 16/0827

Steve Pretty

HEAD OF PLANNING, ENGINEERING & TRANSPORTATION

BACKGROUND REPORT: –

06 October 2016

APPLICATION TO CROWN REDUCE TWO MAPLE TREES BY 10.0m AT 8 FENNEL GROVE, STREETLY, SUTTON COLDFIELD, B74 3QY.

REPORT DETAIL

Application number: 16/0827

Applicant: Mr. Christopher Brock, 8 Fennel Grove, Streetly, Sutton Coldfield, B74 3QY.

Date received: 26 May 2016

Expiry date: 11 September 2016

Reason for bringing to committee: This application has been brought to Planning Committee as a result of 6 representations from local residents.

Application and Site Details

This is an application to crown reduce by 10.0m two Maple trees at 8 Fennel Grove, Streetly, B74 3QY that are protected by Tree Preservation Order title no. 05/2003.

Policy Guidelines

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).

Relevant Planning History

One previous application 09/1442/TR to crown lift Maple T3 to give 4.0m clearance above ground level and Maple T4 to crown lift to give 5.0m clearance Above ground level which was given consent.

Determining Issues

The Council has to decide if the proposed crown reduction by 10.0m of the two Maples will adversely affect the amenity of the neighbourhood and whether such works can be justified having regard for the reasons put forward in support of them and the representations received.

Representations

A total of 6 representations have been received from local residents all in support of the application.

The reasons given in support of the application include:

- Lack of sunlight into the properties.
- Leaf litter blocking gutters.
- Bird droppings on cars and drives.
- The trees are too big and out of character with the neighbourhood and parts of Streetly.
- Too close to the houses causing safety issues from falling branches.
- The trees threaten the structural integrity of the houses.
- The trees are a danger to the public and property.
- Branches touching overhead BT lines.
- Birds make too much noise waking residents in the early morning.

Most of the representations relate to the loss of light, leaf litter and danger to properties.

Observations

The two Maples proposed for a crown reduction of 10.0m are situated in the front and rear garden of the applicant's property at 8 Fennel Grove, B74 3QY.

The trees are protected by Tree Preservation Order title no. 05/2003 which was originally made in response to a planning application for housing development in 2003 on the former Buccaneer public house site. Subsequent applications 07/2658/FL for nine four bed detached houses (granted 2008), 09/1567/FL for the removal of condition 12 relating to vehicle access (granted 2009) and 10/1122/FL (granted 2011) for a further four detached houses with garages have been given consent and subsequently built forming Fennel Grove. Condition 8 of the planning consent for application 10/1122/FL made provision for the protection of the retained trees on site protected by Tree Preservation Order which included the two Maples which are the subject of this application.

A site visit was undertaken on Tuesday 13 September 2016 by the Council's tree officer and each of the trees was inspected individually from ground level only. The trees are labelled T3 and T4 on the application form and during the site inspection the following observations were made:

T3 – Maple – a mature tree situated in the front garden North West of the applicant's house approximately 4.4m away from the front elevation. The tree is approximately 16.0m in height and has a crown spread of approximately 9.0m. There is evidence of previous works having been undertaken to the tree in accordance with a previous consent. A small secondary branch is nearly touching the overhead BT line supplying the applicant's house and the lower crown extends to within approximately 0.5m of the house roof. The crown of the tree is a little sparse with small dead wood evident

throughout. In addition, the crown is not as dense as would be expected from a healthy tree of this species and age indicating that physiologically the tree is not currently classed as good but fair. However, structurally the tree appeared in good condition with no evidence of large cavities, disease or decay. Its current physiological condition is likely as a result of the recent development of Fennel Grove; however, the likelihood is that the tree will recover given time.

T4 – Maple – a mature tree situated South East of the applicant's house in the rear garden approximately 7.5m away from the rear elevation. The tree is approximately 15.0m in height and has a crown spread of approximately 10.0m. The crown extends to within 1.5m of the applicant's house and also extends over the boundary into neighbouring properties at 9 Mayfield Road and 7 Fennel Grove by up to 2.0m in places. However, the lower crown of the tree has been severely reduced where it extends over these two neighbouring properties leaving large stubs which have generated dense re-growth in response and have evidence of minor decay. These works were done in 2013 without Council consent and are not in accordance with good practice as detailed in *British Standards 3998:2010 Tree works – Recommendations*. Despite the poor pruning works from a ground inspection the tree appears to be in good physiological and structural condition with no significant faults or defects evident.

The proposal is to crown reduce the two Maple trees by 10.0m. However, this is excessive and would remove the majority of the leaf cover and branch structure of the trees. This is not in accordance with good practice as detailed in *BS 3998: 2010 Tree works – Recommendations* and would leave the trees with significant pruning wounds which would be highly susceptible to disease and decay and consequently reduce their lifespan significantly. This is particularly relevant to Maple T3 in the applicant's front garden as its ability to cope with anything other than minor pruning has been compromised due to its current reduced vigour. Should such severe crown reduction works be undertaken to Maple T3 at this time it is likely to enter into a terminal decline. Whilst Maple T4 is physiologically in better condition than Maple T3 such severe pruning works would also be detrimental to its long term health. The tree will use valuable stored energy to regenerate a new crown but have little or none in reserve to defend against disease and decay entering the large pruning wounds. Another consideration is that the unions of the resultant re-growth that would be generated around the large pruning wounds would be weaker than those on a tree whose crown hadn't been reduced. Consequently, as the branches increase in size and weight they are more likely to fail. Crown reduction of Maple T4 to any extent would not be recommended as due to its form there are insufficient suitable pruning points to reduce the tree in accordance with best practice. In addition, the public amenity provided by the two Maple trees which extends beyond Fennel Grove and neighbouring properties will be destroyed by such severe 10.0m crown reductions. Consequently my recommendation is to refuse the application to reduce the crowns of the two Maples by 10.0m. However, I consider some minor pruning works would be appropriate that would reduce the crowns encroaching towards the house and also clear the overhead BT line. With this in mind my recommendation is to give consent for the removal of the lowest branch on the south side back to the main stem of Maple T3 that extends towards the applicant's house roof and overhead BT line and to remove any remaining secondary lateral branches back to suitable pruning points to give approximately 2.0m clearance from the roof. My recommendation for

Maple T4 is to reduce any lateral branches back to suitable pruning points that are encroaching towards the applicant's house roof to give approximately 3.0m clearance.

In response to the 6 representations of support from residents of Fennel Grove and Mayfield Drive the Council make the following comments:

- Maple tree T3 in the applicant's front garden is situated north west of the houses on Fennel Grove and Mayfield Close and consequently does not obstruct direct sunlight into the properties. Due to its orientation south east Maple T4 in the applicant's rear garden does block direct sunlight into the house and property and also the neighbouring properties at 9 Mayfield Road and 7 Fennel Grove, however, it is not considered excessive and is for part of the day only.
- From a ground inspection both trees appear to be in good structural condition with no disease or significant decay present and there is no evidence to suggest they are an imminent danger to persons or property.
- No fallen branches were evident during the site visit and the Council have not received any reports in the past regarding falling branches from the two Maples.
- There is no evidence to suggest that the two Maple trees have caused or will cause structural damage to the houses in the future.
- Whilst birds fouling the properties and making a noise could be considered a nuisance they are outside the control of the Council.
- The clearing up of leaf litter from gutters whilst an inconvenience is considered part of normal property maintenance.
- The trees are an important part of the landscape character of the area and have a demonstrable amenity value.
- Encroachment of the Maple tree T3 onto overhead BT lines can be remedied by minor pruning works.

Recommendation

To refuse consent to crown reduce the two Maple trees T3 and T4 by 10.0m but give consent for the removal of the lowest branch on the south side back to the main stem of Maple T3 that extends towards the applicant's house roof and overhead BT line and to remove any remaining secondary lateral branches back to suitable pruning points to give approximately 2.0m clearance from the roof. In addition, to reduce any lateral branches from Maple T4 back to suitable pruning points that are encroaching towards the applicant's house roof to give approximately 3.0m clearance.

Conditions and Reasons (or reasons for refusal)

Walsall Metropolitan Borough Council, as Local Planning Authority, hereby **refuses consent** for the following works as shown in this application;

- To crown reduce by 10.0m the two Maple trees at 8 Fennel Grove, B74 3QY.

For the following reasons;

- The proposed crown reductions are excessive removing the majority of the leaf bearing branch structure which would result in significant pruning wounds leaving the trees more susceptible to disease and decay.
- The works are not in accordance with good practice as detailed in *British Standard 3998: 2010 Tree works – Recommendations*.
- Maple T4 is currently of reduced vigour from which it is likely to recover, however, such a severe crown reduction at this time is highly likely to result in its terminal decline.
- The unions of the resultant re-growth that would be generated around the large pruning wounds would be weaker than those on a tree whose crown hadn't been reduced. Consequently, as the branches increase in size and weight they are more likely to fail.
- The trees have a demonstrable amenity value and such a severe crown reduction will significantly reduce the public visual amenity the trees currently provide.

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

Front garden:

- T3 – Maple – to remove the lowest branch on the south side back to the main stem and remove any secondary lateral branches encroaching towards the house roof back to suitable pruning points to give approximately 2.0m clearance.

Rear garden:

- T4 – Maple – to reduce any lateral branches encroaching towards the applicant's house roof back to suitable pruning points to give approximately 3.0m clearance.

Subject to the following conditions;

1. 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.

2. All tree surgery work shall be completed in accordance with British Standard B.S. 3998:2010 Tree work – Recommendations.

Reason: To protect the health and appearance of the tree(s) in the interest of maintaining the amenity of the area.

3. 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.

Note to 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 must 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. You may remove deadwood under Regulation 14(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.

SITE PLAN

APPLICATION TO CROWN REDUCE BY 10.0m TWO MAPLE TREES AT 8 FENNEL GROVE, STREETLY, SUTTON COLDFIELD, B74 3QY.

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