

# PLANNING APPLICATION NUMBER:P12/1413

Type of approval sought	Tree Preservation Order
Ward	Cradley and Wollescote
Applicant	Mrs S. Powell
Location:	<b>NETHEREND UNITARIAN CHAPEL, PARK LANE, CRADLEY, HALESOWEN, B63 2NU</b>
Proposal	<b>FELL 5 LIME TREES AND 1 BEECH TREE. POLLARD 7 LIME TREES.</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

**TREE PRESERVATION ORDER NO: D323 (1991) – G2 & G3 & T5, T6, T10, T11**

## SITE AND SURROUNDINGS

1. The trees subject to this application are 3 mature Lime trees, a mature beech tree and 9 previously pollarded lime trees that are located within the grounds of Netherend Unitarian Chapel. The chapel is a grade 2 listed building, the main body of which was built in 1796
2. The trees are prominently visible from the adjacent public highway, and are considered to provide a high amount of amenity to the area.

## PROPOSAL

3. Summary of proposals for the works as written on application form is as follows:
  - Fell 5 Lime trees and 1 Beech tree; Re-pollard 7 Lime trees and.
4. The trees have been marked on the attached plan.

## HISTORY

5. There have been five previous Tree Preservation Order applications on this site.

Application No	Proposal	Decision	Date
99/50126	Pollard 4 Lime trees	Approved with conditions	28/01/99
P00/50274	Pollard 4 Lime Trees	Approved with conditions	21/02/00
P05/2388	Re-pollard 8 Lime Trees	Approved with conditions	06/01/06
P06/1806	Prune 4 Sycamore Trees	Approved with conditions	09/11/06
P10/1227	Fell 1 Lime Tree and 4 Sycamores	Approved with conditions	08/11/2010

6. There is also a further 2 applications that have been submitted on this site. These applications have been submitted by other parties involved in the repair of the structural damage at the chapel. These applications will be determined in due course.

## PUBLIC CONSULTATION

7. No public representations have been received.

## ASSESSMENT

### *Tree(s) Appraisal*

<i>Tree Structure</i>	<b>Tree 1</b>	<b>Tree 2</b>	<b>Tree 3</b>	<b>Tree 4</b>
TPO No	T6	T5	G3	G2
Species	Lime	Beech	Lime	Lime
Height (m)	16	16	8	8
Spread (m)	9	9	4	4
DBH (mm)	750	850	450	450
Canopy Architecture	Good	Good	Moderate - Old pollard	Moderate - Old Pollard
Overall Form	Good	Good	Moderate	Moderate

Age Class <i>Yng / EM / M / OM / V</i>	Mature	Mature	Mature	Mature
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*Structural  
Assessment*

Trunk / Root Collar	Good		Good		Good		Good	
Scaffold Limbs	Good		Good		Good		Good	
Secondary Branches	Good		Good		Good		Good	
% Deadwood	5%		5%		1%		1%	
Root Defects	None Evident		None Evident		None Evident		None Evident	
Root Disturbance	None Evident		None Evident		None Evident		None Evident	
Other								
Failure Foreseeable Imm / Likely / Possible / No	Whole No	Whole No	Whole No	Whole No	Whole No	Whole No	Whole No	Whole No

*Vigour Assessment*

Vascular Defects	None Evident	None Evident	None Evident	None Evident
Foliage Defects	None Evident	None Evident	None Evident	None Evident
Leaf Size	Not In Leaf	Not In Leaf	Not In Leaf	Not In Leaf
Foliage Density	Not In Leaf	Not In Leaf	Not In Leaf	Not In Leaf
Other				

*Overall  
Assessment*

Structure	Good	Good	Good	Good
Vigour	Good	Good	Good	Good
<b>Overall Health</b>	<b>Good</b>	<b>Good</b>	<b>Good</b>	<b>Good</b>

**Other Issues**

Light Obstruction	No	No	No	No
Physical Damage	Alleged Subsidence	Alleged Subsidence	Alleged Subsidence	Alleged Subsidence
Surface Disruption	None Evident	None Evident	None Evident	None Evident
Debris	Some	Some	Some	Some

**Amenity  
Assessment**

Visible	Yes	Yes	Yes	Yes
Prominence	High	High	High	High
Part of Wider Feature?	No	No	Yes	Yes
Characteristic of Area	Yes	Yes	Yes	Yes
<b>Amenity Value</b>	<b>High</b>	<b>High</b>	<b>High</b>	<b>High</b>

<i>Tree Structure</i>	<b>Tree 5</b>	<b>Tree 6</b>	<b>Tree 7-12</b>	<b>Tree 13</b>
TPO No	T10	T11	G2 / G3	T16
Species	Lime	Lime	Lime x 6	Lime
Height (m)	17	17	8	15
Spread (m)	9	9	4	7
DBH (mm)	850	850	450	550
Canopy Architecture	Moderate	Moderate	Moderate - Old pollard	Moderate - Old pollard
Overall Form	Moderate	Good	Moderate	Moderate / Good
Age Class <i>Yng / EM / M / OM / V</i>	Mature	Mature	Mature	Mature

*Structural Assessment*

Trunk / Root Collar	Good		Cavity in base - not currently considered significant.		Good		Good	
Scaffold Limbs	Good		Good		Good		Good	
Secondary Branches	Good		Good		Good		Good	
% Deadwood	7%		7%		1%		3%	
Root Defects	None Evident		None Evident		None Evident		None Evident	
Root Disturbance	None Evident		None Evident		None Evident		None Evident	
Other								
Failure Foreseeable <i>Imm / Likely / Possible / No</i>	Whole No	Whole No	Whole No	Whole No	Whole No	Whole No	Whole No	Whole No

*Vigour Assessment*

Vascular Defects	None Evident	None Evident	None Evident	None Evident
Foliage Defects	None Evident	None Evident	None Evident	None Evident
Leaf Size	Not In Leaf	Not In Leaf	Not In Leaf	Not In Leaf
Foliage Density	Not In Leaf	Not In Leaf	Not In Leaf	Not In Leaf
Other				

*Overall Assessment*

Structure	Good	Good	Good	Good
Vigour	Good	Good	Good	Good
<b>Overall Health</b>	<b>Good</b>	<b>Good</b>	<b>Good</b>	<b>Good</b>

**Other Issues**

Light Obstruction	No	No	No	No
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Physical Damage	Alleged Subsidence	Alleged Subsidence	Alleged Subsidence	Alleged Subsidence
Surface Disruption	None Evident	None Evident	None Evident	None Evident
Debris	Some	Some	Some	Some

**Amenity**

**Assessment**

Visible	Yes	Yes	Yes	Yes
Prominence	High	High	High	High
Part of Wider Feature?	No	No	Yes	No
Characteristic of Area	Yes	Yes	Yes	Yes
<b>Amenity Value</b>	<b>High</b>	<b>High</b>	<b>High</b>	<b>High</b>

**Further Assessment**

8. The applicant has proposed to fell 3 Lime trees (Trees 1,3 & 4) and a beech tree (Tree 2) as they consider them to have been implicated as contributory factors in subsidence damage to the adjacent chapel. They have also proposed to fell 2 further lime trees (Trees 5 & 6) and re-pollard 7 lime trees (Trees 7 – 13) as it is considered that these trees are likely to cause future damage to the chapel
9. In support of the application the applicants have submitted an arboricultural report; and engineers report; site investigations details and monitoring results.
10. Having inspected the trees it is considered that regardless of any subsidence implications, the proposed re-pollarding of the seven lime trees (Trees 7-13) is acceptable, as having been managed as pollards in the past the re-pollarding of these trees on a regular basis is an appropriate management regime. As such it is considered that the proposed re-pollarding should be approved.
11. Subsidence of the sort alleged by the applicant occurs when the soil on the underside of a foundation shrinks due to a reduction in the moisture content of the soil. Damage occurs where the soil shrinkage under one point of the building is greater than the other areas of a building forcing the structure to drop and cracks to form.
12. Due to the relevant soil particle size of soils such damage can only occur on clay soils or soils with a significant proportion of clay within them.

13. The principal cause of such soil shrinkage is generally vegetation extracting moisture from the soils. As such the rate of movement in affected buildings will often increase during the summers and decrease during the winter.
14. The technical reports describe a pattern of damage that can be associated with vegetation related subsidence, identifies shrinkable, partially desiccated clay under the foundations, and identifies roots from the implicated trees (trees 1-4) beneath the foundations. The evidence would seem to suggest that the trees proposed to be removed are a significant factor in the damage that has been caused.
15. The site investigations confirm the description of the trial pits, soil analysis and root identification that formed the basis for the conclusions of the engineer's report.
16. The monitoring results, that show the long term movement of the building, show a pattern that would be expected in case of vegetation related subsidence.
17. Given the evidence submitted in the technical reports, it seems that the beech (Tree 2) and three lime trees (Trees 1, 3 & 4) have been adequately shown to be a significant cause of the current damage to the chapel and as such it is considered that given the historical value of the building and its listed status, the removal of the tree is appropriate.
18. Similarly, it is also considered that whilst no direct link has been shown between the current damage to the chapel and Trees 5 & 6, given the extreme damage to the chapel, and the current and historic investigations, it is considered highly likely that these trees, if retained will cause damage to the property in the future. As such it is considered that their removal is appropriate in order to prevent further damage to the chapel.
19. Overall it is considered that on the balance of probabilities the trees are causing the damage to the chapel, and that as a result they should be managed in accordance with the recommendations in the technical reports.
20. It is accepted that this will result in a loss of amenity to the surrounding area. However given the amount of damage and the listed status of the chapel it is considered that the felling and re-pollarding of the trees is justified. The impact on the amenity of the area could be mitigated to some degree by the planting of replacement trees for the ones that have been felled.

## CONCLUSION

21. The application proposes to fell 5 lime trees and a beech tree, and to re-pollard 7 lime trees. They have proposed to fell 3 of the lime trees and the beech tree as they have been implicated in the current subsidence damage to the property. The felling of the remaining lime trees and the re-pollarding of the lime trees has been proposed as part of a pro-active programme in order to prevent any future damage to the building.
22. The submitted technical reports all support the implication of the three lime trees and the beech trees as active causes in the current damage, and also supports the removal and re-pollarding of the other trees on the grounds that these works will hopefully prevent future damage to the property.
23. It is accepted that the felling will have a detrimental impact on the amenity of the area. However due to the nature of the damage and the listed status of the building it is considered that the loss of amenity has been justified.

## RECOMMENDATION

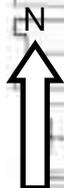
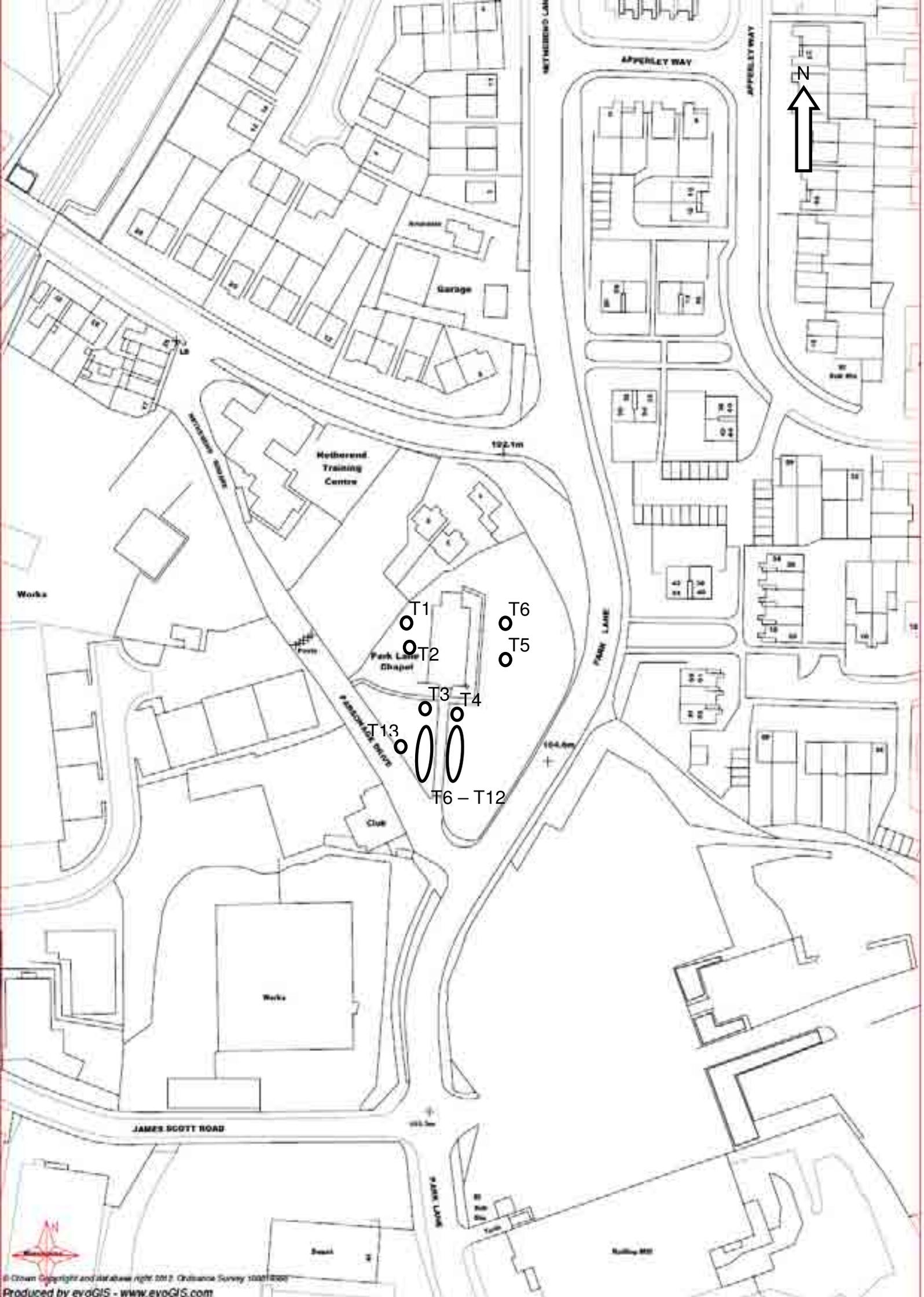
24. It is recommended that application is approved subject to the stated conditions set out below.

### Reason For Approval

25. Overall it is considered that the information submitted in relation to the alleged subsidence damage to this property is sufficient, on the balance of probability, to implicate the trees as a cause of the current or potential future damage. Given the historical value of the chapel (Grade 2 Listed) it is considered that the proposed works are justified and appropriate.

### Conditions and/or reasons:

1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:2010 'Recommendations for Treework'.
2. Five replacement trees shall be planted between the beginning of November and the end of March, within 1 year of felling (and replanted if necessary) and maintained until satisfactorily established. The size, species and location of the replacement trees shall be agreed in writing with the Local Planning authority prior to the felling of the trees to which this application relates.



Metherend Training Centre

Park Lane Chapel

Club

T1

T2

T3

T4

T6

T5

T13

T6 - T12

102.1m

104.0m

JAMES SCOTT ROAD

103.3m

