

## **PLANNING APPLICATION NUMBER:P06/0326**

Type of approval sought	Tree Preservation Order
Ward	Brockmoor & Pensnett
Applicant	Green Care Team - DMBC
Location:	<b>33,35,39,55 LEYS ROAD, 10,21,29,47,30, LEYS CRESCENT, BROCKMOOR, BRIERLEY HILL, WEST MIDLANDS</b>
Proposal	<b>PRUNE 1 ASH TREE, POLLARD 8 LIME TREES AND FELL 1 BIRCH TREE.</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

**TREE PRESERVATION ORDER NO: D664 (2001) –T1, T2, T3, T8, T12, T16, T20, T21, T22**

### **SITE AND SURROUNDINGS**

1. The trees subject to this application, eight limes, one ash and one birch, are located within the gardens of local authority owned property on Leys Road and Leys Crescent in the Brockmoor area of Dudley. All of the trees have reached maturity with all showing signs of previous tree works.
2. Due to the size of the trees and their prominent locations all of the trees provide a moderate amount of amenity to the local area with a number of the providing a high amount of amenity.

### **PROPOSAL**

3. Summary of proposals for the works as written on application form is as follows:
  - Prune one ash tree; pollard 8 Lime trees and Fell1 Birch tree.
4. The tree has been marked on the attached plan.

## HISTORY

45. There have been eleven previous Tree Preservation Order applications on this site.

<i>Site History</i>		
Application No	P03/1892 – 39 Leys Road	08/10/03
Proposal	Clear to 3m over footpath and 25% thin of Lime Tree	Approved with conditions
Application No	P03/1897 – 29 Leys Crescent	08/10/03
Proposal	Trim Branches and prune one Lime tree	Approved with conditions
Application No	P03/1898 – 29 Leys Crescent	08/10/03
Proposal	Fell one Lime tree	Refused
Application No	P03/1899 – 30 Leys Crescent	08/10/03
Proposal	Prune one lime tree	Approved with conditions
Application No	P03/1902 – 47 Leys Crescent	08/10/03
Proposal	Remove epicormic growth and crown thin one Lime tree. Cut back birch tree	Approved with conditions
Application No	P03/1904 – 33 Leys Road	08/10/03
Proposal	Fell one ash tree	Approved with conditions
Application No	P03/1905 – 33 Leys Road	08/10/03
Proposal	Fell one Lime Tree	Approved
Application No	P03/1906 – 33 Leys Road	08/10/03
Proposal	Clear base to ground, crow thin by 25% of one lime tree and cut Rowan back to Stumps	Approved
Application No	P03/1907 – 35 Leys Road	08/10/03
Proposal	Clear base to ground and crown lift over footpath, and thin lime tree by 25%	Approved with conditions
Application No	P03/1991 – 10 Leys Crescent	08/10/03
Proposal	25% Crown thin and remove epicormic growth from one lime tree	Approved with conditions
Application No	P03/1913 – 21 Leys Crescent	08/10/03
Proposal	Fell one Lime tree	Refused

**PUBLIC CONSULTATION**

46. No representations have been received.

**ASSESSMENT**

Tree(s) Appraisal

Criteria	Tree 1	Tree 2	Tree 3	Tree 4	Tree 5
Species	Aspen	Lime	Lime	Lime	Lime
Height	10m	12m	12m	12m	12m
Spread	6m	6m	7m	7m	7m
Spread	400mm	450mm	450mm	400mm	500mm
Diameter	Moderate	Moderate	Moderate	Moderate	Moderate
Vigor	Moderate	Moderate	Moderate	Moderate	Moderate
Xigrous	Moderate	Moderate	Moderate	Moderate	Moderate
Age				Moderate	
Approx / Diseases	None evident.	None evident.	None evident.	None evident.	None evident.
Canopy / Diseases	Moderate evident.	Moderate evident.	Moderate evident.	Moderate evident.	Moderate – Evident
Canopy Deadwood	Moderate – Old Pollard	Moderate – Over	Moderate – Over	Moderate / Poor	Moderate
Cavities	Bark inclusion at fork (1m off ground)	Included bark at 2 metres	extended limb to south and a dense crown	Cavities at old pruning wounds	Inclusion at pollard point
Bark	Good	Good	Good	Good	Good
Roots Deadwood	Moderate	Moderate	Moderate	Good	Moderate – Lifting
Cavities	Bark	Included	Slight	Cavities at	Inclusion at
Overall Health	Moderate at fork (1m off ground)	Moderate	Moderate	Good	Moderate
Visibility	Moderate	High	High	High	High / Moderate
Bark	Good	Good	Good	Good	Good
Amenity Value	Moderate – In driveway	High	High	Poor + very close to two structures	Moderate
Overall Health	Moderate	Moderate	Moderate	Moderate	Moderate
Visibility	Moderate	High	High	High	High / Moderate
Amenity Value	Moderate / High	High	High	Moderate	High

Further

## Assessment

47. The trees subject to this application are eight mature lime trees, one mature ash tree, and one early mature birch tree that are situated in the front gardens of local authority owned properties.
48. The application to prune the trees has arisen following a number of complaints and enquiries that have been received by the council's Greencare team. These complaints have been supplemented by a number of requests from councillors for action to be undertaken.
49. Initially the applicant proposed the felling of the birch tree, a 30% crown reduction of the ash tree and the pollarding of the lime trees. However on inspection of the trees it was considered that the blanket pollarding of the trees was not sufficiently justified on the grounds of the trees' current state of health.
50. Following discussions between the Tree Protection Officer and the Greencare team's Senior Arboriculturalist, a revised works specification was discussed. The revised works specification only requires pollarding where the trees have been identified as lapsed pollards that, due to the physiological condition of the trees, require re-pollarding to prevent the breaking out of main limbs.
51. Where the trees that were originally subject to the proposed pollarding have not been identified as lapsed pollards it is proposed that the trees are crown reduced by approximately 30% with attention being paid to any defects within the individual trees.
52. At present the trees are all in a reasonable state of health, however a number of the lime trees and the ash tree (Trees 1, 2, 7 & 10) have included bark present at the major forks. This included bark is renowned for being an area of frequent failure if trees are left to grow unchecked. Therefore it is recommended that these trees are reduced by 30% to relieve the weight and mechanical loading on these potentially weak areas.
53. Two of the lime trees (Trees 5 & 6) were identified as lapsed pollards, both of which being previously pollarded at approximately 2.5 metres above ground level. As lapsed will generally fail at the old pollard point it is recommended that the two trees are re-pollarded at 6 metres from ground level to significantly reduce the weight of the limbs acting on the old pollard points. The remaining foliage branches will be shaped to leave as well balanced a crown as possible.
54. The remaining Lime trees (Tree 3, 4 & 8) do not have any defects that directly need action; however the trees have not been pruned for a number of years and are causing conflicts with the surrounding properties. As such it is recommended that Tree 4 is reduced by 30% in line with the others, and that tree 8 reduced in the order of 20% and thinned by 10% to reduce the density of the crown and improve the form of the tree.

55. The birch tree that is proposed to be felled provides a moderate amount of amenity to the surrounding area, but is located at the convergence of two properties with structures located on either side in close proximity to the trunk. As such it is likely that this tree will cause damage to the surrounding structures in the reasonably near future and should be removed to prevent this happening. This tree should be removed and replaced, in a more suitable location.

## **CONCLUSION**

56. The trees subject to this application are 8 lime trees, one ash tree and one birch tree that are situated within the front gardens of Local Authority owned properties in the Leys Road / Leys Crescent area.
57. The trees are all mature and have received no or little remedial pruning for a number of years. As such some the trees have been allowed to develop potentially hazardous defects that could pose a risk to the safety of the persons or property at the addresses.
58. The trees that have the defects should all be pruned on safety ground to minimize the risk of full or partial failure. This includes the significant reduction of four of the trees and the re-pollarding of two.
59. With the exception of the birch tree, the remaining trees subject to this application are all causing problems with the residents of the properties and a programme of measured reduction would go some way to resolving a number of the issues that have lead to complaints. Also due to the trees proximity close to the road the pruning work will allow the trees to remain in a healthy state so as not to pose a hazard to the highway.
60. The birch tree subject to this application is located very close to two structures, and is likely to cause damage in the future. As such it would be beneficial to remove the tree before the damage is caused and plant a replacement in a more appropriate location.

## **RECOMMENDATION**

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

Conditions and/or reasons:

1. Notwithstanding any of the details on the submitted application forms, the works hereby approved are as follows: -  
Schedule:  
T1– Ash – Crown reduce by no more than 30%. All works shall be carried out to leave a well balanced and healthy crown.

T2– Lime – Crown reduce by no more than 30%. All works shall be carried out to leave a well balanced and healthy crown.

T3– Lime – Crown reduce by no more than 30%. All works shall be carried out to leave a well balanced and healthy crown.

T4– Lime – Crown reduce by no more than 30%. All works shall be carried out to leave a well balanced and healthy crown.

T5– Lime – Pollard at 7 metres with the remaining foliage bearing branches to be shaped to leave a well balanced crown.

T6– Lime – Pollard at 7 metres with the remaining foliage bearing branches to be shaped to leave a well balanced crown.

T7– Lime – Crown reduce by no more than 20%, and remove the lowest primary limb that extends towards the house at 30 Leys Crescent.

T8– Lime – Crown Reduce by no more than 20%, Crown thin by no more than 10% and remove the lowest primary limb on the southern side of the tree.

T9– Birch – Fell

T10 – Lime – Crown reduce by no more than 30%. All works shall be carried out to leave a well balanced crown.

2. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:1989 Recommendations for Treework.
3. The tree is to be inspected for bird nests and any crevices for bats. If any nests are present and disturbance to nesting or fledgling birds are present then works shall not be undertaken between 1st March and 30th August in any year. If bats are present then advice should be sought from English Nature or the local Wildlife Trust.
4. The works hereby approved shall be carried out within 12 months of the date of this decision.
5. A replacement tree (for T9 of this permission) 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 tree to which this application relates.

