

# PLANNING APPLICATION NUMBER:P06/1081

Type of approval sought	Tree Preservation Order
Ward	Norton
Applicant	Mr & Mrs M N Shephard
Location:	<b>SILVERDALE, QUARRY PARK ROAD, STOURBRIDGE, DY8 2RE</b>
Proposal	<b>PART A:FELL 2 HOLLY TREES, PART B:FELL 1 CEDAR TREE, PART C:PRUNE 1 WELLINGRONIA REDWOOD, PART D: PRUNE 1HOLLY TREE, PART E: FELL 2 CYPRESS TREES, PART F: REMOVE DEADWOOD FROM CHERRY TREE, PART G: PRUNE 1 HORSECHESTNUT TREE, PART H: FELL 2 LEYLANDI HEDGES, PART I: FELL PRIVET HEDGE, PART J: PRUNE 1 HORSECHESTNUT TREE, PART K: PRUNE 1 IRISH YEW TREE, PART L: FELL 2 PINE TREES, PART M: PRUNE 1 LAWREL TREE, PART N: FELL 1 LEYLANDI HEDGE, &amp; PART O: FELL 1 SPRUCE TREE.</b>
Recommendation Summary:	<b>APPROVE SUBJECT TO CONDITIONS</b>

## TREE PRESERVATION ORDER NO: D652 (2001) – A22

### SITE AND SURROUNDINGS

1. This application is for works to 19 trees of various species that are situated in the front and back garden of Silverdale, Quarry Park Road, Stourbridge.
2. The surrounding area is wholly residential with a significant number of mature trees present. Within the area trees form a significant part of the landscape character of the area.

### PROPOSAL

3. Summary of proposals for the works as written on application form is as follows:
  - PART A: Fell 2 Holly trees.
  - PART B: Fell 1 Cedar tree.
  - PART C: Prune 1 Wellingtonia tree.
  - PART D: Prune 1 Holly tree.
  - PART E: Fell 2 Cypress trees.
  - PART F: Remove Deadwood from cherry tree.
  - PART G: Prune 1 Horse Chestnut tree.
  - PART H: Fell 2 Leylandii hedges.

- PART I: Fell Privet hedge.
- PART J: Prune 1 Horse Chestnut tree.
- PART K: Prune 1 Irish Yew tree.
- PART L: Fell 2 Pine trees.
- PART M: Prune 1 Laurel tree.
- PART N: Fell 1 Leylandii hedge.
- PART O: Fell 1 Spruce tree.

4. The trees have been marked on the attached plan.

## HISTORY

5. There have been no previous Tree Preservation Order applications on this site.

## PUBLIC CONSULTATION

6. At the time of writing no public representations have been received.

## ASSESSMENT

### Tree(s) Appraisal

Criteria	Tree 1	Tree 2	Tree 3	Tree 4	Tree 5
TPO Number	A22	A22	A22	A22	A22
Species	Holly	Holly	Cedar	Wellingtonia	Holly
Height	7m	2m	12m	17m	5m
Spread	3m	3m	8m	6m	4m
Diameter	200mm	100mm	400mm	1500mm	150mm
Form	Moderate	Poor	Moderate	Good	Moderate
Vigour	Good	Moderate	Poor	Good	Good
Approx Age	Early Mature	Young	Mature	Mature	Early Mature
Pests / Diseases	None Evident.	None Evident	None Evident	None Evident	None Evident
Canopy	Moderate	Poor	Moderate	Good	Moderate
% Deadwood	1%	1%	15%	5%	1%
Cavities	None Evident	None Evident	None Evident	None Evident	None Evident
Bark	Good	Good	Good	Good	Good
Roots	Moderate – close to garage	Good	Restricted due to driveway on one side	Good	Good
Overall Health	Good	Good	Poor	Good	Good
Visibility	Low –	Low	High	High	Moderate

	screened by surrounding trees.				
Amenity Value	Low	Low	Moderate	High	Moderate

Criteria	Tree 6	Tree 7	Tree 8	Tree 9	Tree 10
TPO Number	A22	A22	A22	A22	A22
Species	Lawson Cypress	Lawson Cypress	Cherry	Horse Chestnut	Leyland Cypress
Height	8m	8m	7m	7m	2m
Spread	3m	3m	6m	6m	9m
Diameter	300mm	300mm	300mm	300mm	n/a
Form	Poor – suppressed	Moderate – suppressed	Moderate	Moderate	Moderate
Vigour	Poor	Moderate	Moderate	Good	Moderate
Approx Age	Early Mature	Early Mature	Mature	Early Mature	Early Mature
Pests / Diseases	None Evident	None Evident.	None Evident	None Evident	Dying off in places.
Canopy	Poor	Moderate	Moderate	Good	Good
% Deadwood	5%	1%	3%	1%	3%
Cavities	None Evident	None Evident	None Evident	None Evident	None Evident
Bark	Good	Good	Good	Good	Good
Roots	Good	Good	Good	Good	Moderate
Overall Health	Poor / Moderate	Moderate	Moderate	Good	Moderate / poor
Visibility	Low – screened by other trees	Low – screened by other trees.	Moderate	High	High
Amenity Value	Low	Low	Low	High	Moderate

Criteria	Tree 11	Tree 12	Tree 13	Tree 14	Tree 15
TPO Number	A22	A22	A22	A22	A22
Species	Leyland Cypress	Privet	Horse Chestnut	Irish Yew	Pine
Height	2m	1.5m	7m	5m	9m
Spread	9m	5m	6m	4m	5m
Diameter	n/a	n/a	300mm	200mm	300mm
Form	Moderate	Good	Moderate	Poor	Moderate
Vigour	Moderate	Good	Good	Good	Good
Approx Age	Early Mature	Early Mature	Early Mature	Early Mature	Early Mature

Pests / Diseases	Dying off in places.	None Evident.	None Evident	None Evident	None Evident.
Canopy	Good	Good	Good	Poor	Poor – leaning
% Deadwood	3%	1%	2%	3%	1%
Cavities	None Evident	None Evident	None Evident	None Evident	None Evident
Bark	Good	Good	Good	Good	Good
Roots	Moderate	Moderate	Good	Good	Poor - Drains
Overall Health	Moderate / poor	Good	Good	Moderate	Moderate
Visibility	High	High	High	Low	Low
Amenity Value	Moderate	Moderate	High	Low	Low

<b>Criteria</b>	<b>Tree 16</b>	<b>Tree 17</b>	<b>Tree 18</b>	<b>Tree 19</b>
TPO Number	A22	A22	A22	A22
Species	Pine	Laurel	Leyland Cypress	Spruce
Height	9m	5m	2.5m	7m
Spread	5m	4m	4m	3m
Diameter	300mm	200mm	n/a	150mm
Form	Moderate	Moderate	Good	Good
Vigour	Good	Good	Good	Good
Approx Age	Early Mature	Mature	Early Mature	Young
Pests / Diseases	None Evident.	None Evident	None Evident.	None Evident
Canopy	Poor – leaning	Moderate	Good	Moderate
% Deadwood	1%	1%	1%	1%
Cavities	None Evident	None Evident	None Evident	None Evident
Bark	Good	Good	Good	Good
Roots	Poor - Drains	Good	Good	Good
Overall Health	Moderate	Good	Good	Good
Visibility	Low	Low	Low	Low
Amenity Value	Low	Low	Low	Low

### Further Assessment

7. The trees subject to this application are a mixture of ages, sizes, forms and conditions. The proposals have been sorted into individual proposals, each of which shall be discussed in turn.
8. PART A: Fell 2 Holly Trees (T1 & T2) – These two trees are situated in the front garden of the site close to the detached garage. T1 is a medium sized specimen that has reached a height of 7 metres. The tree has grown up in the shade of other mature trees and as such on has a moderate form and canopy architecture. T2 is a small squat tree that is only 2 metres tall and has developed a poor canopy. Both trees are obscured from full public view due to surrounding trees in the area and therefore possess a low public amenity. Their removal will not have a significantly detrimental impact on the area.
9. PART B: Fell 1 Cedar tree (T3) – This cedar tree is a large mature specimen that is in the advanced stages of decline. There is a substantial amount of deadwood within the crown of the tree (15%) and what live material remains has sparse foliage. Due to the extent of the decline it is highly unlikely that the tree will recover and the tree could arguably be removed under the dead, dying and dangerous exemption.
10. PART C: Prune 1 Wellingtonia (T4) – This tree is the largest and most prominent tree on the site. With appropriate management the tree could develop to be one of the most impressive throughout the borough. As this tree is surrounded by other smaller trees it has developed a high crown clearance. In doing so a number of the lower branches have deformed or died off. The applicant would like to remove these poor lower branches in order to tidy the tree up. This work will not have a detrimental impact on the amenity of the area.
11. PART D: Prune 1 Holly tree (T5) – This holly tree is situated adjacent to the driveway at the property. There are no significant defects present within the tree. The applicant would like to prune the tree to give it a more formal shape. This work would entail the reduction in height of the tree by approximately a metre and a small scale crown reduction to allow the development of a tightly branching crown. The work will not have any detrimental impact on the amenity of the area.
12. PART E: Fell two Cypress trees (T6 & T7) – These two trees have grown up in the shadow of the large Wellingtonia as such they have developed poor, multi-stemmed canopies that have an irregular and sparse network of branches. The trees are screened from public view by the Wellingtonia and an adjacent cypress tree, and as such provide little public amenity to the surrounding area. As such their removal will have little impact on the amenity of the area.

13. PART F: Remove deadwood from Cherry tree (T8) – This Cherry tree is a mature specimen that is located on the southern boundary of the front garden. The applicant would like to remove the deadwood from the tree. As this work is covered under the dead, dying and dangerous exemption no approval is required.
14. PART G: Prune 1 Horse Chestnut tree (T9) – This tree is located in the front garden adjacent to the highway. The canopy of the tree hangs low over the pavement and needs crown lifting to allow the required 2.5 metres clearance over a public footpath. If one side of the canopy is crown lifted, good practice dictates that the other side should also be lifted to leave a balanced crown. A crown lift to give three metres clearance would also allow a sufficient growing margin to prevent a quick re-occurrence of the problem.
15. PART H: Fell 2 Leylandii hedges (T10 & T11) – These hedges form the majority of the boundary between the front of the property and the highway. The hedges are in a reasonable condition; however, they have started to die off in places leaving obvious dead patches. The trees are most likely to be dying off due to pollution or salt damage.
16. Whilst this hedge falls within the boundary of the TPO as it is a hedge that is maintained as a hedge rather than a line of trees, the TPO should not apply as section 2.3 of 'Tree Preservation Orders – A Guide to the Law and Good Practice' states only distinct trees within hedges can be protected and not the hedge as a whole.
17. PART I: Fell 1 Privet hedge (T12) – Again this hedge forms part of the boundary between the road and the front of the property. As privet is not considered to be a tree, and the groups of privet form a hedge rather than distinct plants the TPO should not apply. As such no objections can be made to the removal of this hedge.
18. PART J: Prune 1 Horse Chestnut tree (T13) – this tree is situated adjacent to the highway and the crown of the tree hangs low over the footpath. As such a crown lift to a minimum of 2.5 metres is a statutory requirement. If the crown is to be lifted on one side to allow ground clearance the other side of the tree should be balanced accordingly. Also a growing margin of 0.5 metres should be allowed to prevent the tree encroaching on the minimum clearance for a reasonable period of time. As such a crown lift to 3 metres is justified for this tree.
19. PART K: Prune 1 Irish Yew tree (T14) – this tree is located in the northern border of the front garden of the property. The tree has been suppressed by other trees growing in the border and as such has spread out over the drive in search of light. The applicant would like to prune the tree back to allow clearance on the driveway

and to reshape the tree to allow it to develop a better form. As the tree is located in the border with other large shrubs on both sides the tree only provides a low amount of amenity to the surrounding area. As such the pruning works on the tree will have little or no affect on the amenity of the area.

20. PART L: Fell 2 Pine trees (T15 & T16) – These two pine trees are located in the rear garden of the property within 2.5 metres of the house. Both of the trees have developed a lean towards the house and are now growing over the roof. The stems of the trees are also in very close proximity of the drains of the property. As the trees are situated at the rear of the house they cannot be seen from any public vantage point. As such they provide no public amenity and felling should be allowed.
21. PART M: Prune 1 Laurel tree (T17) – This laurel bush is located in the rear garden and as such has no public vantage or amenity. The applicant would like to reduce the tree in size by about half. Laurel trees cope extremely well with substantial reductions and this work is unlikely to have a long term detrimental affect on the bush. Also it is arguable that as laurel is not a tree but more of a wood shrub, then the TPO should not apply to it.
22. PART N: Fell 1 Leylandii hedge (T18) – This hedge is located in the rear garden of the property and cannot be seen from any public vantage point. The hedge is only small in stature and does not provide any public amenity. Again, as it has been managed as a single hedge rather than a group of individual trees there is an argument that it is inappropriate for it to be protected under a TPO.
23. PART O: Fell 1 Spruce tree (T19) - This tree is a young spruce tree that is located in the rear garden of the property due to its small size it is not visible from any area of public vantage. As such the tree has no public amenity and should be allowed to be felled.
24. The applicant has stated the reasons for felling the trees are to reduce the number of mature trees that are currently competing for light so that the trees retained can develop into better specimens.
25. Also he states that the cedar (T3) tree is in decline and the cedar and the two pines (T15 & T16) are too close to the house and that they are causing problems with the drains.

## **CONCLUSION**

26. This application proposes various tree works on a number of trees at Silverdale, Quarry Park Road, Stourbridge.
27. The application also contains proposals for the removal of 4 hedges, and a large shrub. Under strict interpretation of the TPO legislation these should not form part of the TPO. As such no objections should be made to works on the hedges or shrubs.
28. All of the other works justified, either in terms of the prevention of future damage to the property; the removal of potentially hazardous trees or the removal of trees that provide a low amenity contribution to the site. As such the application should be approved subject to conditions.

## RECOMMENDATION

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

### Conditions and/or reasons:

1. The tree works subject of this consent shall be carried out in accordance with British Standard BS 3998:1989 'Recommendations for Treework'.
2. 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.
3. The works hereby approved shall be carried out within 12 months of the date of this decision.
4. 5 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.