

PLANNING APPLICATION NUMBER:P12/1028

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|-------------------------|--|
| Type of approval sought | Tree Preservation Order |
| Ward | Hayley Green & Cradley South |
| Applicant | Halifax General Insurance |
| Location: | 8, THE LAWLEY, HAYLEY GREEN, HALESOWEN, B63 1JB |
| Proposal | FELL 1 NO. OAK TREE |
| Recommendation Summary: | APPROVE SUBJECT TO CONDITIONS |

TREE PRESERVATION ORDER NO: D042 (1976) – T4

SITE AND SURROUNDINGS

1. The tree subject to this application is a mature oak tree that is located in the rear garden of 8 The Lawley. The tree is a medium sized specimen with a moderate amount of prominence. The tree is visible from The Lawley, but due to the close spacing of the houses the extent of the public view is limited. Overall it is considered that the tree provides a moderate amount of amenity to the surrounding area.

PROPOSAL

2. Summary of proposals for the works as written on application form is as follows:
 - Fell 1 oak tree.
3. The tree has been marked on the attached plan.

HISTORY

4. There have been four previous Tree Preservation Order applications on this site.

| <i>Application No</i> | Proposal | Decision | Date |
|-----------------------|-------------------------|--------------------------|------------|
| P04/2642 | Fell 1 Oak Tree | Withdrawn | 07/11/2006 |
| P05/1368 | Crown Reduce 1 Oak Tree | Approved | 24/08/2005 |
| P07/0288 | Prune 1 Oak Tree | Approved | 14/05/2007 |
| P11/1166 | Prune 1 Oak tree | Approved with conditions | 04/11/2011 |

PUBLIC CONSULTATION

5. No public representations have been received.

ASSESSMENT

Tree(s) Appraisal

| <i>Tree Structure</i> | Tree 1 |
|-----------------------|---------------|
| TPO No | T1 |
| Species | Oak |
| Height (m) | 8 |
| Spread (m) | 6 |
| DBH (mm) | 550 |
| Canopy Architecture | Moderate |
| Overall Form | Good |
| Age Class | Mature |

| | |
|-----------------------|--|
| Yng / EM / M / OM / V | |
|-----------------------|--|

Structural Assessment

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

Vigour Assessment

| | |
|------------------|--------------|
| Vascular Defects | None Evident |
| Foliage Defects | None Evident |
| Leaf Size | Good |
| Foliage Density | Good |
| Other | |

Overall Assessment

| | |
|-----------------------|-------------|
| Structure | Good |
| Vigour | Good |
| Overall Health | Good |

Other Issues

| | |
|--------------------|--------------|
| Light Obstruction | Some |
| Physical Damage | None Evident |
| Surface Disruption | None Evident |
| Debris | Yes |

Amenity Assessment

| | |
|---------|-----|
| Visible | Yes |
|---------|-----|

| | |
|------------------------|-----------------|
| Prominence | Moderate |
| Part of Wider Feature? | No |
| Characteristic of Area | Yes |
| Amenity Value | Moderate |

Further Assessment

6. The applicant, the insurers of an adjacent property, have proposed to fell the tree as it has been implicated in a tree related subsidence event at the adjacent property. In support of the application they have submitted a tree report, a root identification report, a soils analysis report, an engineering report and some level monitoring.
7. The technical reports conclude that there is seasonal movement in the property towards the adjacent oak tree; that the property is founded on shrinkable clay soil that is in the process of desiccation and that oak tree roots have been found in close proximity to the underside of the foundations. Overall the reports concluded that the structural movement at the property is caused by the oak tree subject to this application.
8. Having assessed the technical reports it is considered that they do provide sufficient information to implicate the tree in the structural movement at the property. Also the application that was approved in 2005 accepted the principal of the tree being implicated in an earlier subsidence event at the property.
9. Given the strength of evidence in this application and the acceptance of the tree being implicated in a previous subsidence event, it is considered that the application should be approved. The removal of the tree will have a slight detrimental impact on the amenity of the area; however it is considered that this is justified by virtue of preventing any further damage to the adjacent property.

10. Normally a replacement tree would be required; however given the limited space between the properties and the limited choice of appropriate species for replacement where tree related subsidence has occurred, it is not considered that any replacement tree would provide any public amenity in the future. As such it is considered that a replacement tree should not be required in this instance.
11. Overall it is considered that the proposal is acceptable and it is recommended that the application is approved.

CONCLUSION

12. The oak tree subject to this application has been implicated in the subsidence of the adjacent property, and the insurer of that property has applied to the remove the tree.
13. On consideration of the submitted evidence it is accepted that the tree subject to this application is a cause of the structural movement at the adjacent property. As the tree has been implicated in the damage it is considered that it is appropriate to approve the application for it to be removed.

RECOMMENDATION

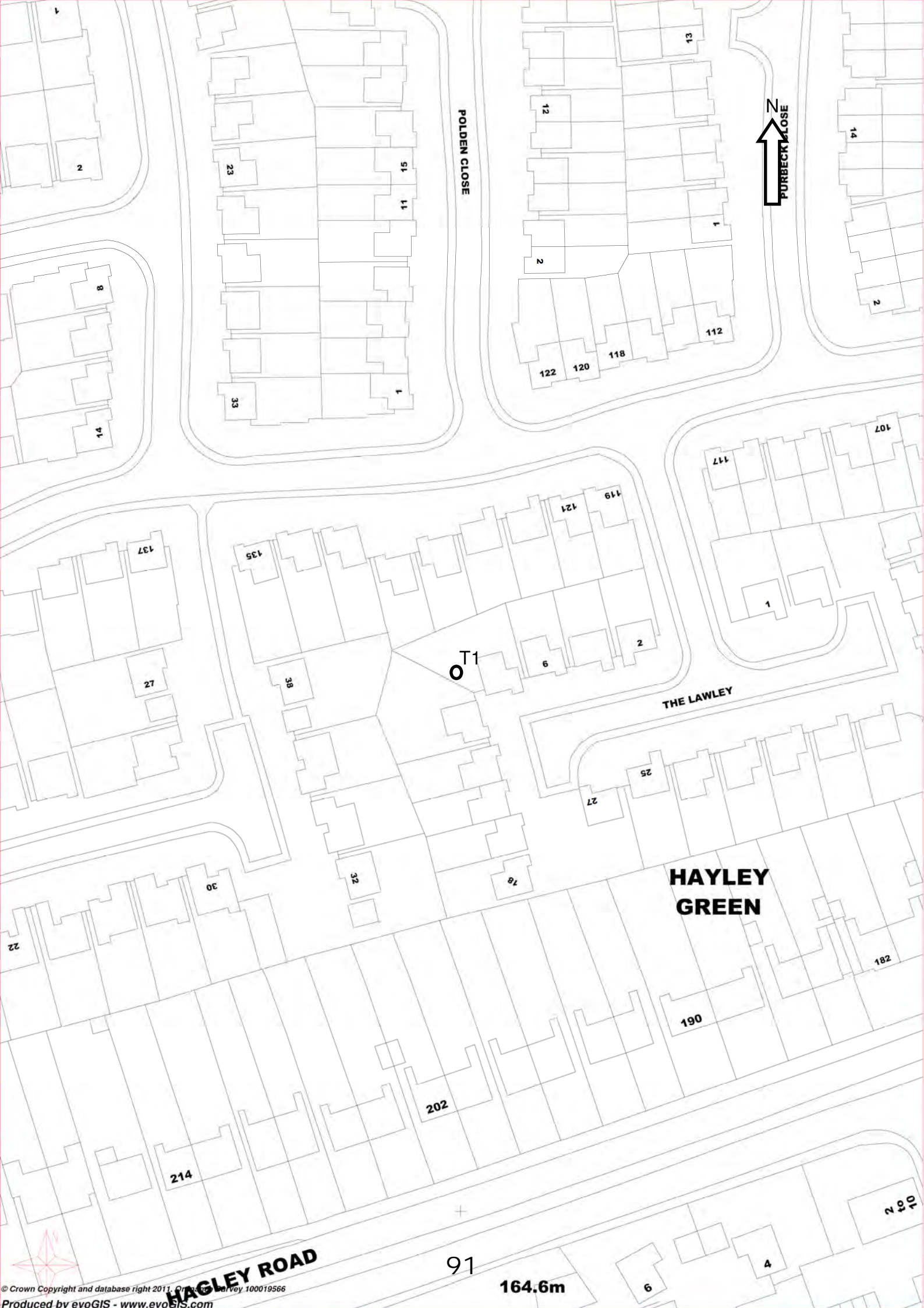
14. It is recommended that application is approved subject to the stated conditions.

Reason For Approval

On consideration of the submitted evidence it is accepted that the tree subject to this application is a cause of the structural movement at the adjacent property. As the tree has been implicated in the damage it is considered that it is appropriate to approve the application for it to be removed.

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'.



POLDEN CLOSE

THE LAWLEY

HAYLEY GREEN

HAGLEY ROAD

91

164.6m