



Planning Committee

4 February 2014

Planning application no.	14/00017/TR
Site	Tettenhall College, Wood Road, Tettenhall
Proposal	Woodland Management: Application to fell 30 trees covered by Tree Preservation Order
Ward	Tettenhall Wightwick
Applicant	Mr Stephen Williams
Agent	
Cabinet Member with lead responsibility	Councillor Peter Bilson Economic Regeneration and Prosperity
Accountable director	Tim Johnson, Education and Enterprise
Planning officer	Name Alison McCormick Tel 01902 55640 Email alison.mccormick@wolverhampton.gov.uk

1. Summary Recommendation

1.1 Grant subject to conditions.

2. Application site

2.1 The grounds of Tettenhall College are extensive, comprising several buildings, sports fields/tennis courts, and are bounded to the north by Wood Road, to the south by Henwood Road. Trees border both these roads; a broad swathe of woodland runs across the site and is part of the Tettenhall Ridge (Ancient Woodland). The site is situated within the Tettenhall Greens Conservation Area; the woodland and many individual trees are covered by Preservation Order (Tettenhall Urban District No. 2 Tree Preservation Order No.2: 1959). The site is also designated as a SLINC (site of importance for nature conservation).

3. Background

3.1 Tettenhall College instructed Wolverhampton Tree Services to carry out a review of the condition of trees of their trees, for health and safety reasons. The survey was conducted using the VTA (Visual Tree Assessment) method of inspection. VTA is a recognised system of hazard-risk analysis, and identifies trees most likely to fail structurally. The survey was undertaken during October and November 2012, and produced a schedule of tree works. For survey purposes the grounds were subdivided into six areas and only the trees with physical defects/ those requiring work were tagged. The order of priority of works recommended is directly related to the hazard rating, the combination of severity of a tree's defects and frequency of use of the vicinity. The resultant categories were, as at November 2012:

- Management works required with immediate effect, mainly adjacent to Wood Road and Henwood Road
- Works required within twelve months, adjacent to buildings/sports fields/tennis courts
- Works recommended within ten years.

3.2 The Council's Tree Officer visited the site early in 2013, and advised that the tree felling recommended immediately was exempt from regulations, on the grounds that the trees were dead/ dangerous. These works have been completed.

3.3 Removal of further dead/dangerous trees required within twelve months has also been carried out under the above exemption.

3.4 Removal of dead trees recommended over the longer term is ongoing.

3.5 Removal of deadwood is also exempt from regulations, but falls within the works recommended over the longer term and is currently outstanding.

3.6 As advised by the Tree Officer, Tettenhall College submitted an application reference: 13/00636/TR, for items of tree pruning works required in the longer term. This application was granted consent on 3 July 2013. These works are outstanding.

4.0 Current application:

4.1 The application seeks permission for the felling of thirty trees, which were recommended for removal on the grounds that they are in a defective condition, with limited life-spans.

5. Publicity

5.1 No representations received.

6.0 External consultees

6.1 Forestry Commission – an application for a Felling Licence has been submitted, as part of which compensatory planting of native tree species is proposed.

7.0 Legal Implications

7.1 As stated in paragraph 2.1 the trees the subject of the application are protected by the Tettenhall Urban District No.2 1959 which was made on 23 March 1960.

7.2 S197 to S214 of the Town and Country Planning Act 1990 provide the statutory framework for dealing with Trees. Anyone proposing to cut down or carry out work on a tree(s) covered by a Tree Preservation Order may make an application for consent in accordance with Regulation 16 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012

7.3 In addition, “Tree Preservation Orders: A Guide to Good Practice” and subsequent addendums provide guidance on Tree Preservation Orders and applications for consent under the 1990 Act. The guidance has the same status as a planning circular and thus should be afforded appropriate weight. The guidance states (as detailed in Chapter 6) that Local Planning Authorities in considering applications for consent should assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area. Having regard to these matters they should then determine whether or not the proposal is justified having regard to reasons put forward to support the proposal.

7.4 In assessing amenity local planning authorities are advised to approach this in a structured and consistent way and suggest three criteria should be considered namely
(1) Visibility,
(2) Individual Impact and
(3) Wider Impact. The appraisal of the proposed loss of the trees is contained in paragraph 8 below.

7.5 In determining applications for consent in this case regard does not have to be had to the provisions of the development plan.

7.6 Members are also advised to consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions as this could give rise to a liability to pay compensation. In determining this application members may refuse consent, grant consent unconditionally or grant consent subject to such conditions as they think fit. Any conditions imposed must be clear and precise. In the event an application is refused

clear reasons for refusal must be given and these should address each of the applicants reasons for making the application along with details of the applicants right of appeal and the applicants right to compensation for loss or damage suffered as a result of the Local Planning Authority's decision.

- 7.7 Notwithstanding that the trees are covered by the 1959 Tree Preservation Order notice of the intention to fell the trees would need to be given to the Council in any event as they are situated within the Tettenhall Greens Conservation Area in accordance with S211 of the Town and Country Planning Act 1990. [KR/24012014/H]

8.0 Appraisal

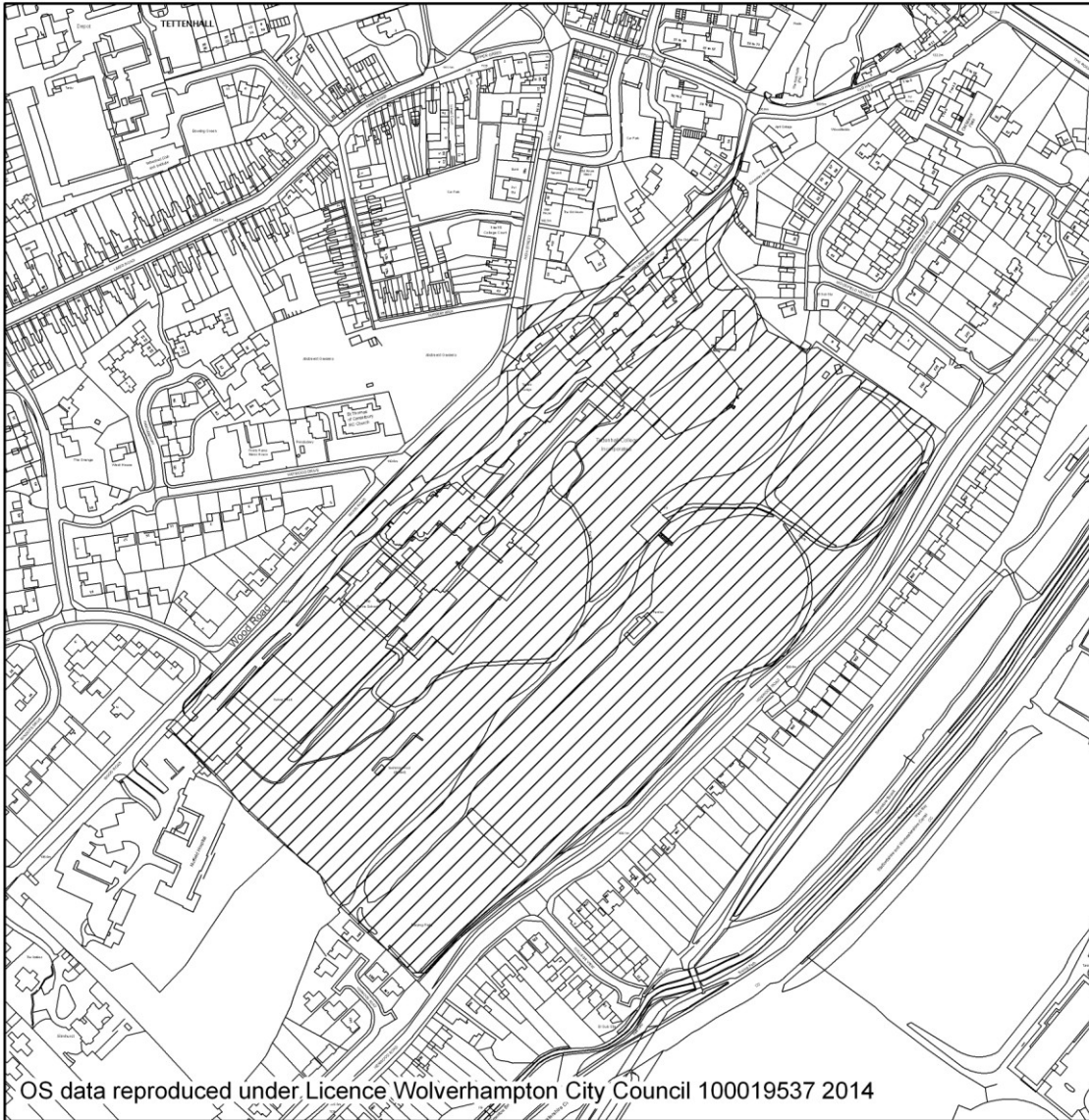
- 8.1 The loss of the thirty trees is acceptable as part of effective long term management of this important area of woodland. The trees concerned due to age, ill health, poor form, or damage, are unsustainable and their removal would represent good management. Their loss would have a relatively minor impact upon public amenity, due to their distribution over a wide area. The felling of these trees would be mitigated by replacement planting, which would enhance the quality of the woodland in terms of its structure, species diversity, ecological value and long term sustainability

9.0 Conclusion

- 9.1 The felling of the trees and subsequent replacement tree planting is in accordance with good arboricultural and forestry practice.

10.0 Detailed Recommendation

- 10.1 That planning application 14/00017/TR be granted, subject to the following conditions
- Tree felling works shall be undertaken in accordance with BS 3998: 'Tree Work Recommendations': 2010
 - Replacement planting shall consist of native species (to the approval of the Forestry Commission), and be maintained for a period of 10 years after planting.



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