

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Planning Applications Committee

24 January 2019

TITLE:	Application No. TPO/2018/0041 - Council's own application to prune protected trees, and fell one protected tree, at Brough Park Leek
PORTFOLIO:	Planning, Development and Property
OFFICER:	Monica Gillespie, Arboricultural Officer
WARD:	Leek North

Appendices Attached –

Appendix A: Plan showing positions of the application trees.

Appendix B: Schedule of proposed work and reasons.

1. Recommendation

- 1.1 That consent be granted for the proposed pruning work, subject to the conditions set out in this report.

Reason for recommendation: In order to enable routine maintenance work to be carried out to protected trees under the Council's management, whilst complying with regulatory procedural requirements.

2. Executive Summary

- 2.1 Under the Town and Country Planning General Regulations 1992, a local planning authority may grant itself consent to carry out work to trees which it owns or maintains and which are protected by Tree Preservation Order (TPO), but only after following certain procedures.
- 2.2 A site notice must be displayed, identifying the trees in question, the proposed work and the reasons for it, and giving opportunity for comments to be submitted. In determining the application, the Council must take account of any such comments duly received. Furthermore, the application must not be determined by an officer or committee with responsibility for the management of the site in question.

- 2.3 To comply with these requirements, this Council has previously established procedures whereby such applications are reported to the Planning Applications Committee for determination, as this committee has no executive land management function and is also familiar with dealing with TPO applications.
- 2.4 Brough Park is a public park in Leek and is maintained by this Council. These trees are covered by a TPO which protects a few trees on the western boundary.
- 2.5 The trees which are the subject of this application are identified on the plan at Appendix A to this report, and the proposed work is set out in detail in the schedule at Appendix B. In summary, this work comprises the felling of T2 a Horse Chestnut tree which is in terminal decline due to infection by Bleeding Canker. There is an elevated risk of this tree shedding limbs in its current state. The other works to trees T1, T3 and T4 involve crown lifting (removal of lower secondary branches), and some side pruning, in order to maintain the amenity of the trees and avoid damage to the park railings and encroachment towards neighbouring properties.
- 2.6 A site notice has been displayed. No comments about the application have been received.
- 2.7 It is considered that the proposed work is appropriate and in accordance with the Council's adopted Tree Strategy. The pruning is of a relatively minor nature and extent, it would not be detrimental to the amenity value of the trees or the setting of the park. The felling of T2 is in accordance with good management as the tree is in terminal decline. It is recommended that consent be granted subject to the following standard conditions:
- (1) The consent be valid for a period of 2 years from the date of the decision notice;
 - (2) The approved work shall be carried out in accordance with British Standard 3998:2010 *Tree Work – Recommendations*; and
 - (3) That T2 is replaced with a standard Turkey Oak to be planted in the first available tree planting season following the removal of the tree.

4. Implications

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| 4.1 | <u>Community Safety - (Crime and Disorder Act 1998)</u> | Nil. |
| 4.2 | <u>Employees</u> | Nil. |
| 4.3 | <u>Equalities</u> | This report has been prepared in accordance with the Council's Equal Opportunities policy. |
| 4.4 | <u>Financial</u> | Anyone suffering loss or damage arising |

as a consequence of the Council's decision to refuse consent, or to impose conditions when granting consent, may seek compensation from the Council, subject to the provisions of the Town and Country Planning (Trees) (England) Regulations 2012. Any claim must be submitted within 12 months of such an application being determined.

4.5 Legal

Nil.

4.6 Sustainability

The proposed work would retain and appropriately manage important trees of significant local amenity value, in support of local and national environmental protection objectives and the Council's adopted Tree Strategy.

Nicola Kemp

Operations Manager (Contract Management)

Background Papers

TPO SM.123

Location

By request at:
High Peak Borough Council
Buxton Town Hall
Buxton

Contact

Monica Gillespie
Tel: (01298) 28400
Trees@highpeak.gov.uk

Application Ref:
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By request at:
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Decision:

Reason:

Interests Declared: