

# **STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

## **Report to Planning Applications Committee**

**24 January 2019**

<b>TITLE:</b>	<b>Application No. TPO/2018/0042 - Council's own application to prune protected trees at St Chad's Church, The Green, Bagnall</b>
<b>PORTFOLIO:</b>	<b>Planning, Development and Property</b>
<b>OFFICER:</b>	<b>Steve Massey, Arboricultural Officer</b>
<b>WARD:</b>	<b>Bagnall and Stanley</b>

### **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 St Chad's Church at Bagnall is a closed churchyard maintained by this Council. Most of the churchyard is protected within Area A2 under TPO No. SM.7, and the whole site lies within the Bagnall Conservation Area. The church itself is a Grade 2 Listed Building.
- 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 crown lifting (removal of lower secondary branches), some crown thinning and some side pruning, in order to maintain unobstructed access over the churchyard and to address or avoid encroachment onto monuments, utility wires, the adjacent house and garage, and the church itself.
- 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. Being of a relatively minor nature and extent, it would not be detrimental to the amenity value of the trees, the setting of the church nor the character of the Conservation Area. 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; and
- (2) The approved work shall be carried out in accordance with British Standard 3998:2010 *Tree Work – Recommendations*.

#### 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 Financial 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)**

<b>Background Papers</b>	<b>Location</b>	<b>Contact</b>
TPO SM.7	By request at: Staffordshire Moorlands District Council Moorlands House Leek	Steve Massey Tel: (01538) 395788 <a href="mailto:trees@staffsmoorlands.gov.uk">trees@staffsmoorlands.gov.uk</a>
Application Ref: TPO/2018/0042	By request at: Staffordshire Moorlands District Council Moorlands House Leek	Steve Massey Tel: (01538) 395788 <a href="mailto:trees@staffsmoorlands.gov.uk">trees@staffsmoorlands.gov.uk</a>

**Decision:**

**Reason:**

**Interests Declared:**