

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Planning Applications Committee

24 January 2019

TITLE:	Application No. TPO/2018/0043 - Council's own application to prune a protected tree at open space off Ballington View/Ashcombe Way, Leek
PORTFOLIO:	Planning, Development and Property
OFFICER:	Steve Massey, Arboricultural Officer
WARD:	Leek East

Appendices Attached –

Appendix A: Plan showing position of the application tree.

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 a protected tree 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 The open space is owned and maintained by the Council, and comprises an informal path through a semi-wooded setting, accessed off Ballington View and Ashcombe Way and lying to the rear of properties at Cauldon Close. Some of the larger, older trees were included in TPO No. SM.13 prior to the development of Cauldon Close and the subsequent adoption of the open space.
- 2.5 Work is proposed to only one tree, being a mature Sycamore protected as T8 and identified on the plan at Appendix A to this report. This work comprises the removal of the sucker shoots arising from around the base of the tree, which will over time grow detrimentally as competing secondary stems into the boundary fence and through the main crown of the tree, together with reduction of an elongated lower secondary branch growing over the garden of 5 Cauldon Close, back to a suitable side branching point.
- 2.6 A site notice has been displayed. No comments about the application have been received.
- 2.7 Removal of the basal suckers would improve the overall form and amenity of the tree and guard against detrimental growth in the longer term which might otherwise damage the property boundary fence. Whilst partial reduction of the elongated branch would in practice have very little beneficial impact on the degree of shading of the adjacent private garden it would have no detrimental impact on the amenity value or condition of the tree and therefore it would not be appropriate to refuse the application on such grounds.
- 2.8 The proposed work is very minor in nature and extent, and is considered to be appropriate and in accordance with the Council's adopted Tree Strategy. 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

- 4.1 Community Safety - (Crime and Disorder Act 1998) Nil.
- 4.2 Employees Nil.

- 4.3 Equalities 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)

Background Papers	Location	Contact
TPO SM.13	By request at: Staffordshire Moorlands District Council Moorlands House Leek	Steve Massey Tel: (01538) 395788 trees@staffsmoorlands.gov.uk
Application Ref: TPO/2018/0043	By request at: Staffordshire Moorlands District Council Moorlands House Leek	Steve Massey Tel: (01538) 395788 trees@staffsmoorlands.gov.uk

Decision:

Reason:

Interests Declared: