

# STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

## Report to Planning Applications Committee

16 January 2020

<b>TITLE:</b>	<b>TPO/2019/0037 - Application to fell protected trees – Ivy House, Cheadle Road, Teanford, Upper Tean</b>
<b>PORTFOLIO:</b>	<b>Planning, Development and Property</b>
<b>OFFICER:</b>	<b>Steve Massey, Arboricultural Officer</b>
<b>WARD:</b>	<b>Cheadle West</b>

### Appendices Attached –

**Appendix A:** Tree Position Plan showing positions of the application trees.

#### 1. Recommendation

- 1.1 That consent to fell two Beech trees at Ivy House, Cheadle Road, Teanford, protected within Group G1 under Tree Preservation Order (TPO) No. SM.32 (and denoted T1 and T3 for the purposes of this application) be REFUSED for the reasons discussed in this report.

**Reason for recommendation:** The proposed felling of T1 and T3 (in conjunction with the felling of T2 already authorised under delegated powers) would completely remove the amenity value of the group of large mature trees which presently forms an imposing feature in the local landscape, and the reasons for the application, although appreciated, are not considered to justify such work. Felling would therefore be in conflict with the Council's adopted Tree Strategy.

#### 2. Executive Summary

- 2.1 This application seeks consent to fell two very large, mature Beech trees (denoted T1 and T3 for these purposes) situated in the informal garden area of Ivy House. The positions of the application trees, are shown on the plan attached at Appendix A to this report. The application trees are protected within Group G1 under TPO No. SM.32.
- 2.2 The application has been submitted by an arboricultural consultant on behalf of the neighbour who lives at Teanford Farm, and not by or on behalf of the tree owner at Ivy House.

- 2.3 A separate but associated application (TPO/2019/0036) was submitted concurrently by the same consultant on behalf of the same applicant, seeking consent to fell the central mature Beech tree (denoted T2) of this same group of three. T2 was found to have a substantial cavity in the main lower stem, with active colonisation and growth of the recognised wood decay fungus *Pholiota squarrosa*. This creates a significant risk of main stem failure, and given the size and position of T2 together with its overall declining condition, its removal in the interests of safety is considered necessary and appropriate. Consent to fell T2 has therefore been granted under officers' delegated powers.
- 2.4 The stated reasons for the current application to fell T1 and T3 are essentially due to concern that following removal of T2 as authorised, T1 and T3 would be subject to different wind exposure to the extent that the consultant considers full or partial crown failure of these trees would be very likely. This is addressed in more detail at Section 4 of this report.
- 2.5 The tree owner has been consulted on both applications, and whilst she appreciates the justification for the felling of T2 and indicated that she would seek quotes for this work, she does not agree with the proposal to fell T1 and T3. As owner of the trees, irrespective of the Council's decision she could anyway withhold her permission and/or not make arrangements for the felling of T1 and T3, but this in itself is not of material relevance to the decision of the local planning authority on the TPO application.
- 2.6 T1 shows a few signs of age but there is presently nothing about its condition which would in itself be considered to justify its removal. Meanwhile, T3 appears to be in the best condition of the three trees with no particular defects noted. The actual additional risk of damage to/failure of T1 and/or T3 due to different wind exposure following removal of T2 is something of an unknown. This must also be considered in the context that there is inevitably an element of risk associated with the presence of trees, regardless of the management/retention/removal of neighbouring trees.
- 2.7 On balance, it is considered that the reasons for the application do not outweigh the loss in amenity which would result from the proposed felling. The Council's adopted Tree Strategy contains policies which resist tree felling proposals which are not acceptably justified. Refusal of consent is therefore recommended.

### 3. Implications

- |     |   |  |
|-----|---|--|
| 3.1 | <u>Community Safety - (Crime and Disorder Act 1998)</u> | Nil.   |
| 3.2 | <u>Employees</u>  | Nil.   |
| 3.3 | <u>Equalities</u>                                       | This report has been prepared in accordance with the Council's Equal Opportunities policy. |

3.4 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; any claim must be submitted within 12 months of the application or any subsequent appeal being determined.

3.5 Legal

Nil.

3.6 Sustainability

Refusal of consent to fell the two Beech trees T1 and T3 would ensure the retention of trees having significant amenity value, and contributing to the landscape character of the area, in accordance with the Council's environmental protection objectives.

Ben Haywood  
**Head of Development Services**

**Background Papers**

TPO No. SM.32

Application  
TPO/2019/0036

Application  
TPO/2019/0037

**Location**

Moorlands House  
Stockwell Street  
Leek

**Contact Details**

Steve Massey,  
[steve.massey@staffsmoorlands.gov.uk](mailto:steve.massey@staffsmoorlands.gov.uk)  
Tel: (01538) 395788

**Decision:**

**Reason:**

**Interests Declared:**

#### 4. Background and Detail

- 4.1 It is a recognised issue that suddenly changing the environment of a tree by removing adjacent trees which have until then provided mutual shelter can sometimes lead to subsequent damage or failure, as a result of sudden exposure to the wind to which the retained tree was not previously subjected.
- 4.2 However, this is most commonly associated with woodland/plantation situations where the wind is able to penetrate the interior following the loss or removal of edge trees, in extreme case leading to a “domino effect” throughout a plantation. It is not routine practice to actively remove adjacent similar trees as a precaution every time a mature individual tree is felled in locations which are already more open, eg small groups, hedgeline trees, avenues etc., although it is appropriate to consider the related possibilities in any case, particularly with reference to the age and condition of trees and the proximity of surrounding targets.
- 4.3 The application trees T1 and T3 are large, mature specimens, situated behind a retaining wall above the private track between Ivy House and Teanford Farm. They are at significantly higher ground level than Teanford Farm, with outer lateral limbs overhanging the frontage parking area and outbuildings of that property and the trees clearly within falling range of Teanford Farm dwelling, a combination adding to the imposing character of the trees and no doubt giving rise to the concerns of the owners/occupiers. Meanwhile, whilst actually situated within the curtilage of Ivy House, these trees are at lower ground level, and generally further from the dwelling garage and parking area, to that host property.
- 4.4 T1 shows some initial signs of age, with less dense bud coverage and a slightly greater amount of minor dead wood than typical. There is also a rogue young Elderberry shrub growing from the main limb fork. However, these issues in themselves would not justify the loss of a large, prominent protected tree. T1 appears to be in good condition for its age, with no specific defects noted.
- 4.5 The arboricultural consultant is concerned that following felling of the central tree T2, there would be a newly created gap between T1 and T3. With all trees of similar age/size and likely to have been planted and grown up together, the inner (north-west) side of T1 and the inner (south-east) side of T3 may be newly exposed to the wind blowing through, which may cause twisting of limbs to an unaccustomed extent.
- 4.6 However, officers note that all three trees are already exposed to the prevailing south-westerly wind, and whilst the presence of T2 may provide some filtering of wind blowing between T1 and T3, this would never have amounted to complete sheltering of all effects of the strongest gales (typically from the south-west or west, occasionally from the north-east) and it is considered that T1 and T3 will have some in-built resilience against such forces.
- 4.7 It is also noted that the south-eastern side of the crown of T1 is similarly adjacent to and continuous with the crown of a large mature Pine across the track at Teanford Farm, protected as T4 under TPO No. SM.32, but the application does not also seek consent for the felling of this tree (in the applicant’s direct control) for the same reasons if T1 was to be removed.

- 4.8 The group of 3 large mature Beech trees (together with the adjacent Pine) are readily and prominently visible when travelling north from Upper Tean towards Cheadle, and looking north from Breach Lane to the west of The Anchor Inn, and also when travelling south from Cheadle into Upper Tean. They form a notable feature in the local landscape, and make a significant contribution to the character and amenity of the area. Whilst the loss of T2 has been accepted as necessary and justified due to its decayed main stem, the additional removal of T1 and T3 would lead to the complete loss of the amenity provided by the group.
- 4.9 It is considered that the circumstances and condition of the trees do not justify precautionary felling and the loss of amenity which would arise as a result, and the proposed felling of T1 and T3 would therefore be in conflict with the Council's adopted Tree Strategy which contains policies which oppose the unnecessary loss of important and/or protected trees.
- 4.10 Although not proposed as part of the current application, there is the potential to carry out some sensitive crown weight reduction pruning to T1 and T3 if retained, through careful thinning of smaller diameter secondary branches, subject to separate application and consent. This could reduce weight and windsail effect, but would need to be limited in extent/amount to avoid creating too large or too many pruning wounds, or overly reducing the photosynthesising capacity of the crown, noting that mature Beech do not respond positively to excessive pruning.
- 4.11 The owner of the trees considers that as T1 and T3 generally appear to be fine and healthy, and also provide some privacy for her, they should be retained and monitored. As a general point, if the two outer Beech trees are retained at the present time following removal of T2, if there is any subsequent proliferation of broken branches the situation could be reviewed and further applications made and determined appropriately. In addition, in the event of refusal of consent to fell T1 and T3, there is the opportunity to appeal against the decision of the local planning authority, although even a grant of consent by the Planning Inspectorate would still require the separate permission of the tree owner before it could be implemented.