

# **STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

## **Report to Planning Applications Committee**

**25 June 2020**

<b>TITLE:</b>	<b>TPO/2020/0006 - Application to fell protected trees – Oak House, Saltersford Lane, Alton</b>
<b>PORTFOLIO:</b>	<b>Planning, Development and Property</b>
<b>OFFICER:</b>	<b>Steve Massey, Arboricultural Officer</b>
<b>WARD:</b>	<b>Alton</b>

### **Appendices Attached –**

**Appendix A:** Location Plan for TPO SM.16 at Oak House, Saltersford Lane, Alton.

**Appendix B:** Tree Position Plan.

#### **1. Recommendation**

- 1.1 That consent to fell two Sycamore trees at Oak House, Saltersford Lane, Alton, protected as T1 and T2 under Tree Preservation Order (TPO) No. SM.16 be REFUSED for the reasons discussed in this report.

**Reason for recommendation:** The proposed felling of T1 and T2 would result in the total loss of amenity value currently provided by these mature tree, which jointly with other trees in the immediate vicinity form a notable landscape feature contributing to the character of the site and the wider local area, and the reasons for the application 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 large, mature Sycamore trees situated on the frontage to Oak House near the eastern end of the developed stretch of Saltersford Lane. The application trees are individually protected as T1 and T2 under TPO No. SM.16. The site location is shown on the plan at Appendix A to this report, and the positions of the application trees are shown denoted T5 on the tree position plan at Appendix B.

- 2.2 It should be noted that on the TPO plan these Sycamores are numbered the opposite way to the annotation on tree position plan provided by the applicant and attached at Appendix B. However, as the application seeks consent to fell both these trees, this numbering anomaly does not affect the validity or consideration of this application. For the purposes of this report, tree numbering will be taken as shown on the plan at Appendix B, as this is consistent with the annotated numbering on photographs also submitted by the applicant. The application decision notice can clarify and correctly cross-reference to the numbering as denoted in the TPO document.
- 2.3 A third mature tree is also situated on the frontage of the application site, being an Oak protected as T3 under the same TPO. It is proposed to retain the Oak T3.
- 2.4 The application has been submitted by the current owners/occupiers of Oak House. In outline, the stated reasons for the application are:
- The two Sycamores T1 and T2 are very large, and are suppressing and stunting the growth of the Oak T3.
  - The height of the Sycamores is a concern to neighbours at the adjacent property Summerleas due to the potential for damage if they were to fall.
  - The Sycamores block light to another neighbouring property Ivy House.
  - The Sycamores deposit sap across the immediate area from spring through to autumn, constantly covering the applicants' cars and neighbours' cars in debris which damages paintwork.
  - Replacement with two further Oak saplings is proposed in mitigation if the Sycamores are felled.
- 2.5 In 2004 a previous owner of Oak House submitted an application also seeking consent to fell the two Sycamores T1 and T2 for similar reasons. That application was also recommended for refusal, and the Council's Planning Applications Committee resolved on 6<sup>th</sup> May 2004 to refuse consent. A subsequent appeal against that decision was dismissed by the Secretary of State.
- 2.6 The reasons for the application, and related matters, are addressed in more detail at Section 4 of this report. However, trees of this size will inevitably cast shade and potentially lead to concerns over their safety. Honeydew problems are, unfortunately, characteristic of Sycamore and often create more onerous maintenance requirements with regard to vehicles and buildings. It is unlikely that the Oak would develop a balanced shape if the Sycamores were removed. Whilst these trees will have grown since 2004, the previous application and appeal decisions remain relevant as the issues are similar. On balance, the reasons for the application are not considered to justify the loss of amenity value which would arise from the removal of the T1 and T2. Felling is therefore considered to be in conflict with the Council's adopted Tree Strategy which contains policies seeking to resist tree felling proposals which are not acceptably justified, and refusal of consent to fell is 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 | <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; any claim must be submitted within 12 months of the application or any subsequent appeal being determined. |
| 3.5 | <u>Legal</u>  | Nil.  |
| 3.6 | <u>Sustainability</u>                                   | Refusal of consent to fell the Sycamores T1 and T2 would ensure the retention of a tree having significant public 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.16

Application  
TPO/2020/0006

#### **Location**

Moorlands House  
Stockwell Street  
Leek

#### **Contact Details**

Steve Massey,  
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**Decision:**

**Reason:**

**Interests Declared:**

#### 4. Background and Detail Discussion

- 4.1 The applicant's reasons for the proposed felling are considered in more detail here as appropriate, with *officers' comments denoted by italics.*
- 4.2 The two Sycamores T1 and T2 are very large, and are suppressing and stunting the growth of the Oak T3. The Sycamores are tall, of the order of 17 – 18m and clearly well above the level of the adjacent Oak T3. The crown of the Oak is poorly formed, most probably due to the suppressing effect of the larger trees, with the result that it is heavily one-sided towards the road, as can be seen more clearly from a photograph taken in winter. Removal of the two Sycamores would leave the Oak visually exposed and more evidently imbalanced, whereas at present the crowns of the three trees combine into a larger group. At this stage in its life, the Oak would be very unlikely to achieve a balanced crown even given the space and light to do so.
- 4.3 The height of the Sycamores is a concern to neighbours at the adjacent property Summerleas due to the potential for damage if they were to fall. *Large trees can inevitably give rise to concern over the potential for damage, and injury; however, such concerns can be aimed at any number of trees but perception of potential danger should not in itself be regarded as reason to allow removal of protected trees whenever requested on a precautionary basis. The applicants do not suggest the trees are in poor or dangerous condition, nor have they provided any evidence or report identifying condition-based concerns. On inspection by the Council's arboricultural officer, no significant defects or evidence of poor condition was noted. There is inevitably a degree of risk associated with the presence of all trees, but nothing has been noted to suggest that the application trees are likely to fall, and removal of the T1 and T2 is not considered to be justified on safety grounds at the present time.*
- 4.4 The Sycamores block light to another neighbouring property Ivy House. *This property stands across the lane from the application site, to the north of the trees, and given their size and grouping they will inevitably cast a significant amount of shade. However, this is an inevitably natural consequence arising from the presence of trees, and is not considered to provide justification for the loss of protected trees.*
- 4.5 The Sycamores deposit sap across the immediate area from spring through to autumn, constantly covering the applicants' cars and neighbours' cars in debris which damages paintwork. *The combined crowns of the two Sycamores cover the majority of the front garden area to Oak House, which is mainly hard-surfaced to provide off-road parking. It is acknowledged that along with Lime,*

*Sycamore as a species is notably attractive to greenfly, and it is the profuse excretions from these insects, rather than directly from the trees themselves, which falls as sticky “honeydew” and accumulates dust, dirt and minor debris on surfaces below. Whilst the application property has an integral garage the applicants have a number of vehicles so some are always parked on the drive beneath the tree canopies. Honeydew can also drift on the breeze and affect neighbours’ vehicles. Such problems are acknowledged, and are no doubt a notable inconvenience often creating a need for more onerous cleaning and maintenance, but the impact on amenity of allowing removal of trees – especially Sycamore and Lime which are innumerable in the rural and urban areas – for such reasons would be very substantial.*

- 4.6 Replacement with two further Oak saplings is proposed in mitigation if the Sycamores are felled. *Whilst this proposal is acknowledged, suitable replacement planting would anyway normally be required by condition where consent to fell a protected tree is granted. However, a decision on whether to allow felling should be based on consideration of the effect on amenity arising from proposed felling and whether such loss is itself considered acceptable and justified by the reasons for wanting the existing trees removed, rather than turning on the basis of the ability to secure replacement.*
- 4.7 *The Sycamores, along with the Oak T3 form a prominent group at the end of the developed section of Salterford Lane at the edge of the village. The lane then continues as an unmade track out into the countryside beyond, and serves as a public right of way. The trees are therefore considered to have significant public amenity value as landscape features, and help to define and soften the transition from built-up village to open countryside. Such amenity value would be substantially reduced by the removal of the two Sycamores and subsequent exposure of the unbalanced form of the Oak.*
- 4.8 *In the 2004 appeal, the Inspector was of the opinion that the application trees have significant landscape amenity and whilst acknowledging the reasons for that application he considered that these issues were in common with many tree situations and did not justify the loss of the Sycamores at Oak House. The Secretary of State supported this view, and the appeal was dismissed. Although the trees will have grown in the intervening period, the nature of the issues remains largely as before, and the previous decision is considered to carry material weight in relation to the current application.*
- 4.9 *There may be potential to carry out some pruning of all three protected trees at Oak House, which may provide at least some relief from the problems forming the reasons for the application, and also to a small degree benefit the growth of the existing Oak. However, substantial crown reduction, over-thinning and/or excessive crown lifting can themselves be detrimental to the visual amenity, and condition, of trees, and the extent of pruning required to have significant mitigating effect on the problems experienced may not necessarily be considered acceptable. Any pruning proposals, other than normal exemptions such as removal of dead wood etc, would also be subject to further application and consent under the TPO.*