

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Planning Applications Committee

23rd July 2020

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| TITLE: | CAT/2020/0015 – Conservation Area tree work notification – 3 Dampier Street, Leek |
| PORTFOLIO: | Planning, Development and Property |
| OFFICER: | Steve Massey, Arboricultural Officer |
| WARD: | Leek South |

Appendices Attached –

Appendix A: Location Plan for 3 Dampier Street, Leek.

Appendix B: Tree Position Plan.

1. Recommendation

- 1.1 Not to make a Tree Preservation Order; and
- 1.2 To grant consent for the proposed tree works.

Reason for recommendation: To allow tree works to be carried out where the trees are not considered to have significant wider public amenity value, nor to make an important contribution to the character of the Conservation Area

2. Executive Summary

- 2.1 This is a notification of a proposal to fell trees within the garden of 3 Dampier Street, Leek. None of the trees are protected by Tree Preservation Order (TPO), but notification is required because the property is situated within the Leek Conservation Area.
- 2.2 Such notifications are normally dealt with under officers' delegated powers. However, in this case the applicant is an officer of the Council, Rebecca Dodd, employed by SMDC as Commissioning Officer (Waste and Streetscene) in the Service Commissioning team. The Council's procedures require that applications submitted by officers or members are determined by Committee.

- 2.3 Written notification must normally be given of proposed pruning or felling of non-TPO trees situated within a Conservation Area. The proposed work must not be carried out within 6 weeks of receipt of the notification, unless within this period the local planning authority has issued written consent. In the absence of specific consent, the work may otherwise proceed by default after 6 weeks if no TPO has been made.
- 2.4 There is no power to refuse consent in response to a Conservation Area tree work notification, so in the event that a particular proposal is considered inappropriate or unacceptable, the authority's fallback option is to make a TPO to provide a higher level of protection for the tree(s) in question. This would require that the tree(s) is/are judged to be of sufficient public amenity value to merit protection by TPO, because their removal would have a significant adverse impact on the local environment as experienced by the wider public. If a TPO is made, there is then the opportunity to submit a formal application for consent under TPO procedures, which the authority can either approve or refuse as considered appropriate.
- 2.5 At 3 Dampier Street the owners are intending to carry out a garden re-design and makeover project, which involves the removal of several existing small trees. These are marked on the plan attached at Appendix B to this report, and described in more detail a Section 4.
- 2.6 None of the trees proposed for removal are considered to be of significant public amenity value, nor of sufficient quality/importance to merit protection by TPO. They are situated either in the enclosed rear garden and mostly screened from publicly accessible viewpoints on surrounding streets by buildings, or along the narrow side access path between the house at No. 3 and the adjacent property to the north.
- 2.7 There is one tree situated on the joint boundary between the back gardens of 3 and 5 Dampier Street which is more prominently visible in views from nearby streets and is considered to be of more significant public amenity value. This is a mature Copper Beech, denoted T9 on the plan at Appendix B. However, no work is proposed to this tree.
- 2.8 It is considered that the proposed felling would not result in a significant loss to public amenity, nor have a significant detrimental impact on the character and appearance of the Conservation Area. Therefore it would not be appropriate or necessary to make a TPO, and consent for the notified work should be granted.
- 2.9 There is no power to impose conditions on such consent – for instance to require replacement planting. Nevertheless, it is understood that the owners' intention would anyway be to plant some new trees of suitable species in more desirable positions, as part of the overall garden project.

3. Implications

- 3.1 Community Safety - (Crime and Disorder Act 1998) Nil.

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| 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> | Nil. |
| 3.5 | <u>Legal</u> | Nil. |
| 3.6 | <u>Sustainability</u> | Loss of trees would contribute to increase of carbon footprint; however, this could be mitigated in the longer term by replacement planting of new trees, shrubs and other plants. |

Ben Haywood
Head of Development Services

Background Papers

Notification
CAT/2020/0015

Location

Moorlands House
Stockwell Street
Leek

Contact Details

Steve Massey,
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Tel: (01538) 395788

Decision:

Reason:

Interests Declared:

4. Detail

4.1 The plan at Appendix B shows the positions of the main trees in the garden of 3 Dampier Street. In effect, it is proposed to remove all except T9. In more detail these comprise:

T1 to T4 inclusive – a line of early-mature, previously topped Leylandii conifers along the narrow side entry leading from Dampier Street to the back garden, too close to the side of the house. Also amongst these, although not individually marked on the plan, are a couple of heavily suppressed small fruit trees which would also be removed.

T5 Early-mature Birch close to the back of the house, already starting to encroach onto the building and overly-dominating the patio area.

T6 Young Goat Willow, spindly, heavily suppressed, poor quality tree.

T7 Early-mature Purple Cherry, no particular issues but overly-dominating the patio and in the wrong position to suit the garden plans.

T8 Early-mature Copper Beech, slightly suppressed by its substantially larger neighbour (T9), and has a previously reduced crown which is now showing signs of die-back and decline.

T9 Mature Copper Beech forming the most notable tree at 3 and/or 5 Dampier Street (located on the boundary) and having greater significance in views from surrounding streets. This tree is to be retained, and no work to it is proposed.