

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Planning Applications Committee

20 August 2020

TITLE:	TPO/2020/0016 - Application to fell a protected tree – Hough Cottage, Clay Lake, Endon
PORTFOLIO:	Planning, Development and Property
OFFICER:	Steve Massey, Arboricultural Officer
WARD:	Brown Edge and Endon

Appendices Attached –

Appendix A: Location Plan for Hough Cottage, Clay Lake, Endon.

Appendix B: Tree Position Plan.

1. Recommendation

- 1.1 That consent to fell a Sycamore tree at Hough Cottage, Clay Lake, Endon, protected as T6 under Tree Preservation Order (TPO) No. LR.6 be REFUSED for the reasons discussed in this report.

Reason for recommendation: The proposed felling of T6 would result in the total loss of amenity value currently provided by this large mature tree, which is a notable feature contributing to the character of the site and the wider local area. There is currently an absence of evidence, either noted from inspection on site or in the form of supporting professional opinion, to back up the reasons for the proposed felling which is therefore not considered to be justified at present. As such, the application would be in conflict with the Council's adopted Tree Strategy.

2. Executive Summary

- 2.1 This application seeks consent to fell a large, mature Sycamore tree situated adjacent to the drive at the side of Hough Cottage. The application tree is individually protected as T6 under TPO No. LR.6. The site location is shown on the plan at Appendix A to this report, and the application tree is shown denoted T6 on plan at Appendix B.

- 2.2 The application has been submitted by the property owner, who has concerns that the tree may fall and consequently cause substantial damage to the house and injury to occupants. In support of this, the applicant notes various reasons for the proposal, which in outline are as follows:
- The tree is close to and substantially overhanging the house.
 - Large branches have recently broken and fallen.
 - The tree is leaning towards the house more than it used to, and this is considered to be due to strong winds and excessively wet ground earlier this year.
 - A loud cracking sound was heard from the tree during recent strong winds.
 - The tree grows from the base of a bank having shallow soil over visibly exposed rock outcrop, providing limited roothold.
 - A nearby mature Ash tree, also at the base of the same bank, partially failed 7 years ago, coming to rest against the house and requiring felling and removal.
 - Two or three new Oak trees are proposed as replacements, to be planted along the top of the bank (further from the house) and continuing a line of established early-mature Oaks along the side boundary.
- 2.3 The reasons for the application are addressed in more detail at Section 4 of this report. However, from visual inspection the Sycamore appears to be in good condition, with no evidence noted of rootplate uplifting or ground disturbance to the bank around/behind the tree.
- 2.4 The application is not supported by written evidence or report from a professional arboriculturalist, which is normally a requirement where the reasons for an application are essentially based on concern that a tree, or substantial part of it, may fail and fall. However, in this case it is fair to say that other than acknowledging the self-evident stem lean towards the house, an arboricultural contractor or consultant would be unable to corroborate the points put forward by the applicant, and given the apparent good condition of the tree would be unlikely to provide other condition-based evidence in support of felling.
- 2.5 The Sycamore is a large, mature tree some 18-20m in height, with a wide-spreading, well-balanced canopy and notably dense crown. It is readily visible from Clay Lake at the front of the application site where it forms a significant part of the wooded backdrop to Hough Cottage and contributes to the well wooded character prevalent along much of Clay Lake. The Sycamore is also readily visible from the public footpath running along the eastern side of Hough Cottage, seen in views from this footpath at positions both in front of and behind the dwelling, from where the significant visual presence of the tree is also apparent.
- 2.6 The safety of any tree cannot be guaranteed, and there is therefore an inherent degree of risk associated with the presence of all trees – although safety-related concerns and perceptions of danger are understandably heightened in relation to large, mature trees in close proximity to dwellings, as is the case here. However, it is considered that

there is presently a lack of evidence to justify allowing the felling of this tree and the resultant loss of amenity value which would arise.

- 2.7 In the event of refusal of consent to fell, it might be recommended to the applicant that he commissions a precautionary climbing inspection of the main structure of the crown by an arboriculturalist, in case there are any fundamental structural defects in evidence which cannot be detected from ground-based inspection. Also, that any on-going measurement of the clearance between the house and the tree stem be coordinated with the Council's arboricultural officer, in order that any detection of increasing stem lean can be corroborated in the event that this is relevant to the consideration of any further application in the future or a review of the decision on this current application.

3. Implications

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| 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 Sycamore T6 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. LR.6
Application
TPO/2020/0016

Location

Moorlands House
Stockwell Street
Leek

Contact Details

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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 following denoted by italics.*

4.2 The tree is close to and substantially overhanging the house.

The tree is located very slightly further back than the rear elevation of Hough Cottage itself, with the centre-of-stem position approximately 5.5m from the nearest corner of the house, as extended. Originally a row of 3 cottages subsequently converted to a single dwelling, a flat-roofed rear extension was added probably during the 1970s, bringing the building much closer to the tree. However, given the evident longevity of both the tree and the original building, they have clearly co-existed for many years. The crown directly overhangs the rear extension by some 3m, although in the event of whole tree failure the major part of the tree is obviously within falling range of the house. Nevertheless, this is not an uncommon proximity, particularly with properties having rural origins, and is in itself not considered to justify the loss of a protected tree.

4.3 Large branches have recently broken and fallen.

Discussion with the applicant has established that the fallen branches were dead/decayed, and whilst there remains at least one large dead branch still in the crown, this may be removed under exemption from TPO controls.

4.4 The tree is leaning towards the house more than it used to, and this is considered to be due to strong winds and excessively wet ground earlier this year.

Concerns about a tree leaning more are not uncommon, but are often without any real evidence and may be no more than a gradual growth habit or even just

a perception based on increasing crown growth. In this instance, however, the applicant has fixed a small metal plate to the tree stem, to enable consistent measurement between the same point on the tree and the nearest corner of the house, and advises that this separation has reduced by some 62mm since the turn of the year as established by periodic measurement. Such movement may indicate an incremental increase in the angle of lean towards the house, but is impossible for the local planning authority to verify at this stage. No sign has been noted of ground disruption or rootplate uplift which might indicate instability. The arboricultural officer has recently measured to the same metal plate, and this can now serve as a baseline against which any significant difference can be compared, if the tree is retained in the meantime.

- 4.5 A loud cracking sound was heard from the tree during recent strong winds.

Again this is impossible to confirm. No sign was noted from ground-based inspection of any structural defect or damage to the tree. A climbing inspection of the upper stem, main limbs and main unions by a tree surgeon may be a useful exercise, either as a reassuring precaution or to serve as supporting professional opinion in relation to any future application, given the current absence of such information.

- 4.6 The tree grows from the base of a bank having shallow soil over visibly exposed rock outcrop, providing limited roothold.

Trees growing on or adjacent to steep banks having shallow soil and outcropping rock, with associated visually exposed major root systems, are not at all unusual across the Moorlands, but do not routinely suggest that such trees are unstable. This in itself is not regarded as sufficient to justify felling a significant protected tree.

- 4.7 A nearby mature Ash tree, also at the base of the same bank, partially failed 7 years ago, coming to rest against the house and requiring felling and removal.

The circumstances of the Ash tree's previous failure are unknown, but may have been due to disease/decay, structural defect or storm damage. However, the presence of the Ash stump, still seemingly in its original disposition, indicates that the tree did not simply uproot. In any event, the past loss of one tree cannot be taken as justification to allow the loss of a significant protected tree.

- 4.8 Two or three new Oak trees are proposed as replacements, to be planted along the top of the bank (further from the house) and continuing a line of established early-mature Oaks along the side boundary.

Such replacement planting would be appropriate in the event that consent to fell is granted. However, whilst this proposal is acknowledged, suitable replacement planting would anyway normally be required by condition where consent to fell a protected tree is granted. 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 tree removed, rather than turning on the basis of the ability to secure replacement.