

# STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

## Report to Planning Applications Committee

20 August 2020

<b>TITLE:</b>	<b>TPO/2020/0020 - Application to fell a protected tree – 92 Ashbourne Road, Cheadle</b>
<b>PORTFOLIO:</b>	<b>Planning, Development and Property</b>
<b>OFFICER:</b>	<b>Steve Massey, Arboricultural Officer</b>
<b>WARD:</b>	<b>Cheadle South-East</b>

### Appendices Attached –

**Appendix A:** Location Plan for 92 Ashbourne Road, Cheadle.

**Appendix B:** Tree Position Plan.

#### 1. **Recommendation**

- 1.1 That consent to fell a Sycamore tree at 92 Ashbourne Road, Cheadle, protected as T10 under Tree Preservation Order (TPO) No. SM.272 be REFUSED for the reasons discussed in this report.

**Reason for recommendation:** The proposed felling of T10 would result in the total loss of amenity value currently provided by this large mature tree, which together with other trees contributes to the character of the site and the wider local area. It is considered that the reasons given for the application do not justify such loss of amenity, particularly when there are potentially acceptable pruning options which at least to a certain degree would ease the problems experienced. As such, the application to fell 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 just beyond the fenced rear garden to 92 Ashbourne Road but stated as also being in the applicant's ownership. The application tree is individually protected as T10 under TPO No. SM.272. The site location is shown on the plan at Appendix A to this report, and the application tree is shown denoted T10 on the plan at Appendix B.
- 2.2 A second part of the application sought consent to carry out minor pruning to T19, the central tree of a group of three Hornbeams growing from the highway

verge at the front of 92 Ashbourne Road. In fact, Staffordshire County Council as highway authority has recently carried out some crown lifting and light crown reduction to these trees, but removal of an additional two small diameter secondary branches from T19 would not be detrimental and is considered acceptable; this has been approved under officers' delegated powers.

- 2.3 The application has been submitted by the property owner, who has put forward various reasons for the proposed felling, related to severe impact on residential amenity, which in outline are as follows:
- The tree is very large and has outgrown its situation, and should now be removed and replaced with younger specimens.
  - The tree causes substantial shading of the rear garden, and of the living accommodation within the house.
  - The related afflictions of aphid honeydew and bird droppings affect enjoyment of the garden, and prevent hanging washing out.
- 2.4 The reasons for the application are addressed in more detail at Section 4 of this report. In essence, however, the problems experienced, whilst acknowledged as notable given the size, species and position of the Sycamore, are inevitable natural consequences arising from the presence of the tree.
- 2.5 The application property is part of a recent residential development which replaced the former Travellers Rest public house. The TPO was made to provide protection for the more significant trees around the site boundaries, and to secure their retention as part of the scheme.
- 2.6 It is acknowledged that these large trees along the southern edge of the development will create certain issues of shading and reduced outlook. However, it is considered that in the case of the application tree T10, some fairly substantial pruning options would be acceptable – perhaps involving removal of the closest scaffold stem, together with further crown lifting and thinning – which could significantly improve living conditions whilst retaining the wider landscape/amenity contribution of the tree.
- 2.7 The upper part of the crown of T10, along with those of neighbouring trees, is seen over the roofline of the new dwellings in the streetscene views from Ashbourne Road itself. However, the greater visual impact and public amenity contribution of the these trees is in fact apparent in views from the new leisure centre car park to the east of the development, and from Allen Street past the surgery on approach to the main entrance of the leisure centre.
- 2.8 The reasons for the proposed felling would not be supported by the Council's adopted Tree Strategy, and are therefore not considered to justify allowing felling of a large and significant protected tree, especially when potentially acceptable pruning options are available which if implemented may notably improve living conditions. Refusal of consent to fell T10 is therefore recommended.

### 3. Implications

- 3.1 Community Safety - (Crime and Disorder Act 1998) Nil.
- 3.2 Employees Nil.
- 3.3 Equalities 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 Sycamore T10 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.272

Application TPO/2020/000

#### **Location**

Moorlands House  
Stockwell Street  
Leek

#### **Contact Details**

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

**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 very large and has outgrown its situation, and should now be removed and replaced with younger specimens.

*The Sycamore T10 is certainly a large tree – estimated to be approximately 18 – 20m tall, and with a crown spread radius of around 9 – 10m. The crown structure is composed of 4 main scaffold stems. Although safety concerns are not formally put forward as reasons for the application, the applicant did understandably raise the potential issue during on-site discussion. However, other than some relatively minor dead wood – to be expected periodically in a large mature tree – the Sycamore appears to be in good condition and no signs of senescence or decline were noted. The tree is therefore not regarded as “over-mature”.*

*There is in general no guidance or regulation requiring limitation of the size of trees, and it is inevitably a matter of subjective judgement as to whether a tree of any particular size is regarded as “too big” for its situation. In most situations, the larger a tree is, the greater its prominence as a feature and its contribution to the wider landscape, and the greater the impact if it were to be removed or substantially reduced. This is key to the tree protection system, and it would therefore be inappropriate to allow removal of a large protected tree simply because it has achieved the size of a large tree. It is therefore necessary to go further and consider the impact on wider public amenity resulting from the removal of a tree, or from any particular pruning measures, and whether such impact is considered to be justified by perceived problems and reasons for an application with regard to the particular circumstances of any given case.*

*If removal of a protected tree is allowed, this would often be conditional on suitable replacement planting. However, the fact that replacements are offered and can be secured does not itself justify the removal of an existing protected tree which still provides notable amenity. In the case of the Sycamore T10, it would be many decades before replacement trees could provide a comparable level of amenity based on size and prominence.*

- 4.3 The tree causes substantial shading of the rear garden, and of the living accommodation within the house.

*This is a large tree of a typically dense-crowned species, situated directly to the south of the property. The crown extends to within 1m of the rear elevation, such that the large majority of the back garden is directly overhung by branches and foliage. The living room is also situated at the back of the house, facing into the garden. In the circumstances, there will inevitably be a large amount of shade, to both the garden and interior accommodation, and this is simply a natural consequence of the presence of trees. Furthermore, the applicants have only acquired the property within the last year, and should therefore have been aware of both the presence and protected status of the tree prior to purchase.*

*That said, whilst it is considered that felling is not justified, the shading effects of this tree are substantial and in this instance it would be regarded as unreasonable not to allow some work, aiming to strike a balance between improving living conditions for the occupants whilst preserving the fundamental wider amenity value of the tree.*

*To this end, although not forming part of the current application, if consent to fell is refused the applicants (in addition to their right of appeal) could be advised on a further application for pruning works which, if acceptable, would be dealt with under officers' delegated powers. This may include removal of the closest main scaffold stem to the house, which in turn would directly remove the majority of the direct crown overhang over the rear garden. Crown lifting to the remaining stems (removing pendulous lower secondary branches) together with some thinning of the upper crown would also allow more light through.*

*Pruning to trees in neighbouring gardens to either side of 92 Ashbourne Road could also contribute to improving living conditions for the whole terrace of properties at Nos. 90 to 98, although these of course are outside the control of the present applicant.*

- 4.4 The related afflictions of aphid honeydew and bird droppings affect enjoyment of the garden, and prevent hanging washing out.

*Aphid honeydew problems are, unfortunately, characteristic of Sycamore, and given the extent of crown overhang above the property this is bound to adversely affect the occupants' enjoyment of their garden. However, whilst such issues are not normally regarded as sufficient to allow loss of protected trees, or other work detrimental to their wider public amenity value, pruning of the type discussed at 4.3 above would anyway substantially reduce this problem by removal of the majority of crown overhang. Problems of bird droppings would be similarly abated.*