

# **STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

## **Report to Planning Applications Committee**

**3 December 2020**

<b>TITLE:</b>	<b>Application No. TPO/2020/0042 - Council's own application to prune protected trees at Pickwood Recreation Ground, Milltown Way, Leek</b>
<b>PORTFOLIO:</b>	<b>Planning, Development and Property</b>
<b>OFFICER:</b>	<b>Steve Massey, Arboricultural Officer</b>
<b>WARD:</b>	<b>Leek East</b>

### **Appendices Attached –**

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

**Appendix B:** Schedule of proposed work and reasons.

#### **1. Recommendation**

- 1.1 That consent be granted for the proposed pruning work to trees T1, T2 and T3 protected under Tree Preservation Order (TPO) No. 153, subject to the conditions set out in this report.

**Reason for recommendation:** In order to enable appropriate maintenance work to be carried out to protected trees under the Council's management, in response to reasonable neighbour request but without detriment to the amenity value of the trees, whilst complying with regulatory procedural requirements.

#### **2. Executive Summary**

- 2.1 Under the Town and Country Planning General Regulations 1992, a local planning authority may grant itself consent to carry out work to trees which it owns or maintains and which are protected by TPO, but only after following certain procedures.
- 2.2 A site notice must be displayed, identifying the trees in question, the proposed work and the reasons for it, and giving opportunity for comments to be submitted. In determining the application, the Council must take account of any such comments duly received. Furthermore, the application must not be determined by an officer or committee with responsibility for the management of the site in question.

- 2.3 To comply with these requirements, this Council has previously established procedures whereby such applications are reported to the Planning Applications Committee for determination, as this committee has no executive land management function and is also familiar with dealing with TPO applications.
- 2.4 TPO No. SM.153 was made in 1996 to protect various trees at the area known as Pickwood Vale, in conjunction with the planning of a new housing area subsequently developed as Milltown Way and Mulberry Way. Trees denoted T1, T2 and T3 are situated alongside the entrance path to Pickwood Recreation Ground off Milltown Way, on land owned and maintained by Staffordshire Moorlands District Council as public open space. These trees are adjacent to, and substantially overhang, the rear gardens of Nos. 4, 6, 8 and 10 Milltown Way. Their location is shown on the plan attached at Appendix A to this report.
- 2.5 Neighbouring residents have requested that work be carried out in order to address concerns over occasional branch shedding, allow more light to gardens and maintain clearance from the houses. It is considered that the request is reasonable in the circumstances, and with regard to the structure and condition of the trees. Pruning proposals have been drawn up by the Council's arboricultural officer, and are set out in more detail in the schedule attached at Appendix B to this report.
- 2.6 A site notice has been displayed as required by the Regulations. No comments about the application have been received.
- 2.7 It is considered that the proposed work is appropriate and justified, and importantly can be carried out without detriment to the amenity value of the trees. The work would therefore not be in conflict with the Council's adopted Tree Strategy. It is recommended that consent be granted subject to the following standard conditions:

(1) The consent be valid for a period of 2 years from the date of the decision notice; and

(2) The approved work shall be carried out in accordance with British Standard 3998:2010 *Tree Work – Recommendations*.

### 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, subject to

the provisions of the Town and Country Planning (Trees) (England) Regulations 2012. Any claim must be submitted within 12 months of such an application being determined.

3.5 Legal

Nil.

3.6 Sustainability

The proposed work would retain and appropriately manage important trees of significant local amenity value, in support of local and national environmental protection objectives and the Council's adopted Tree Strategy.

Ben Haywood  
**Head of Development Services**

**Background Papers**

TPO SM.153

**Location**

Staffordshire Moorlands District Council  
Moorlands House  
Leek

**Contact**

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**Decision:**

**Reason:**

**Interests Declared:**