

APPENDIX C

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Planning Applications Committee

25 June 2020

TITLE:	TPO/2020/0011 - Application to fell a protected tree – 121/123 Tunstall Road, Knypersley
PORTFOLIO:	Planning, Development and Property
OFFICER:	Steve Massey, Arboricultural Officer
WARD:	Biddulph East

Appendices Attached –

Appendix A: Location Plan for 121/123 Tunstall Road.

Appendix B: Development tree works plan, this application tree T5 at centre of site.

1. Recommendation

- 1.1 That consent to fell a Pine tree at 121/123 Tunstall Road, Knypersley, protected as T5 under Tree Preservation Order (TPO) No. BU.1 be REFUSED for the reasons discussed in this report.

Reason for recommendation: The proposed felling of T5 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, 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 a large, mature Pine tree situated near the centre of the combined grounds of 121 and 123 Tunstall Road. The application tree is individually protected as T5 under TPO No. BU.1. The site location is shown on the plan at Appendix A to this report, and the application tree is shown denoted T5 on the development tree works plan at Appendix B.

- 2.2 The application has been submitted by FFC Landscape Architects on behalf of J Littleton & Co. Ltd who are currently developing the site to provide 6 new dwellings and retain the existing bungalow 121 Tunstall Road, approved under planning permission reference SMD/2017/0510.
- 2.3 In outline, the stated reasons for the application are:
- The tree is over-mature, leans notably and would cause substantial damage if it were to fall.
 - The tree is out of scale with the development, and shows signs of dead wood and branch loss.
 - The roots will extend far beyond the calculated Root Protection Area (RPA) and will be damaged during construction.
 - Retention of the tree would cause concern and fear to prospective purchasers, potentially leading to a future application to fell, and loss of plot sales.
 - Construction of the plot would be constrained by retention of the tree, and potential sunroom extension restricted.
 - Four new trees are proposed in mitigation if the Pine is felled.
- 2.4 The reasons for the application are addressed in more detail at Section 4 of this report. However, the Pine appears to be in good condition with no evidence noted of rootplate uplifting, and its lean, whilst not excessive, is anyway considered to be a long-term growth pattern rather than a result of movement or instability. The retention of this tree was a requirement taken into account in the development layout design and approval, and should also be taken into account by prospective purchasers. Any further development proposals potentially affecting this tree, or any other protected tree at this site, would need to be considered on their merits.
- 2.5 The Pine is readily visible from the public highway, even more prominently so following removal of previously existing non-protected trees and/or those in poor condition, in association with the approved development under construction. The site and surrounding area is characterised by the presence of large mature trees; the application Pine T5 not only contributes to this character but also stands out as a notable specimen in its own right. It is considered to have significant public amenity value.
- 2.6 In conclusion, whilst there is inevitably a degree of risk associated with the presence of any tree, the reasons for the application are not considered to justify the loss of amenity value which would arise from the removal of the Pine T5. 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 Community Safety - (Crime and Disorder Act 1998) 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 Pine T5 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. BU.1
Application
TPO/2020/0011

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 denoted by italics*.
- 4.2 The Pine is over-mature, shows signs of dead wood and branch loss, leans notably and would cause substantial damage if it were to fall. *The tree is mature, but does not show significant signs of decline or senescence. It has recently had some smaller lower branches removed in a crown lift operation approved as part of site-wide facilitation tree work in advance of the start of development, and some minor dead wood – typical of the species – was also removed at this time. Presently the crown appears healthy, with good needle density. The tree has a lean towards the south-east, most notable when viewed from the south-west side. However no evidence has been noted of rootplate uplifting or related ground disturbance in the rootzone, and no sign of stem buckling or fracture. It is considered that this is a long term growth pattern partly resulting from the previous presence of other mature trees to the west/north-west of the Pine (in fact a mature Lime protected as T4 is still present here). The stem lean is not considered excessive. There is inevitably a degree of risk associated with the presence of all trees, but other than the aforementioned lean, neither the applicant's agent nor the SMDC arboricultural officer have noted anything to suggest this tree is likely to fall, and removal of the Pine T5 is not considered to be justified on safety grounds at the present time.*
- 4.3 The tree is out of scale with the development. The tree report submitted in 2017 with the approved planning application estimated the Pine's height as 12m, whilst the current TPO application agent has suggested it is around 13 – 14m. *In fact the SMDC arboricultural officer considers 16 – 17m is perhaps more realistic. Notwithstanding this, there are several sizeable mature trees of comparable height within the site, and many more in the immediate area including the adjacent St John's Church, and The Roaches School opposite. The scheme under construction will result in a relatively low density development of six new double-fronted detached two-storey dwellings together with the retained existing bungalow, with the generous garden to Plot 1 accommodating the Pine T5 and the Lime T4. It is considered that the trees including T5 are in keeping with the scale and layout of development.*
- 4.4 The roots will extend far beyond the calculated Root Protection Area (RPA) and will be damaged during construction. The current TPO application agent suggests that the actual RPA for the Pine is a little larger than that calculated in the planning application tree report, with the result that the footprint of the Plot 1 dwelling, sited to avoid the RPA, would in fact encroach into the more recently and accurately established RPA. *A tree's roots can often be found at considerable distance from the stem base, and normally beyond the extent of RPA for any given tree. However, the RPA, calculated in accordance with guidance in British Standard 5837:2012, is designed to protect sufficient of the root system that there should be no significant long term impact on a tree's condition arising from development outside the RPA – assuming that the RPA itself is suitably protected as a construction exclusion zone. In the case of the Pine T5, following on-site measurement SMDC's arboricultural officer agrees that the RPA is slightly larger than previously set out. As a result, the dwelling footprint at Plot 1 would marginally encroach into the RPA, but only affecting an estimated <1% of the actual RPA area; this would have negligible additional*

impact on the tree, and is not considered sufficient justification to allow felling.

- 4.5 Retention of the tree would cause concern and fear to prospective purchasers, potentially leading to a future application to fell, and loss of plot sales. *The presence of the Pine tree, and its protected status, could readily and should be taken into account by prospective purchasers in deciding whether to purchase Plot 1. Whilst to some, such a feature may be off-putting, to others an established landscape including mature trees on a new-build plot might well be an attraction, and consequently a potential selling point for the development. However the tree remains protected, and the fact that future submission of an application to fell might be anticipated does not justify now approving the current application to fell.*
- 4.6 Construction of the plot would be constrained by retention of the tree, and potential sunroom extension restricted. *The crown of the Pine extends to within approximately 1m from the side wall (northern elevation) position of the Plot 1 dwelling, at height over 7m above ground level, and may therefore have marginal conflict with temporary scaffolding required to construct the higher parts of the wall and the roof. However, this will at most be flexible outer twiggy ends of the foliage, which would not cause serious obstruction and in fact could readily, and carefully, be temporarily tied back for the period that scaffolding of this height is required. Any future extension to the dwelling could either be subject to obtaining planning permission if/where required, consideration of which would take account of the presence and proximity of trees, or under permitted development rights, which do not override a Tree Preservation Order. Therefore exercise of permitted development rights would not authorise damage to a protected tree – for instance cutting roots to accommodate foundations. So the Pine T5 should indeed be regarded as a potential constraint to extension of the Plot 1 dwelling beyond its currently approved form.*
- 4.7 Four new trees are proposed in mitigation if the Pine is 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 tree removed, rather than turning on the basis of the ability to secure replacement.*