

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Planning Applications Committee

16th June 2022

TITLE:	TPO/2022/0004- Application to fell a protected tree – 9 Basford Bridge Lane, Cheddleton, ST13 7EQ
PORTFOLIO:	Planning, Development and Property
OFFICER:	Ben Haywood – Head of Development Services
WARD:	Cheddleton

Appendices Attached –

Appendix A: Location Plan for 9 Basford Bridge Lane, Cheddleton, ST13 7EQ

1. Recommendation

1.1 That consent to fell the mature Beech tree at 9 Basford Bridge Lane, protected as T1 under TPO No174 is REFUSED for the following reasons:

1. The Beech Tree T1 is readily and prominently visible from the adjacent public highway, from where it is seen as a notable feature positively contributing to the character and setting of the site and immediate surroundings, and it is considered to have significant public amenity value which would be lost if the tree were removed.
2. The application and submitted Arboricultural Survey and Safety Report do not demonstrate that the defects noted in the tree mean the tree poses an unacceptable risk. The bark damage and decay in the stem appear superficial and currently do not appear to have a significant detrimental effect on the safety of the tree. The condition of the tree recorded in the Arboricultural report is 'Fair' and this assessment was confirmed by the site visit.
3. The Arboricultural report submitted with the application refers to major deadwood in the crown of the tree, the removal of this is exempt from the requirement to gain the Local Authorities permission. As such dead wood/ branches can be removed from this tree with no application/ permission necessary.

4. The local planning authority has an adopted Strategy which contains policies and guidance which normally resist the loss of protected trees without sufficient justification. The reasons put forward in your application are not considered to amount to sufficient justification to outweigh the loss of amenity which would result from the removal of T1. The application is therefore considered to be in conflict with the Council's Tree Strategy.
5. The submitted Arboricultural report and our site visit both recorded fire damage to this protected tree. The damage to the tree trunk and dead lower branches both appear to be caused by bonfires being lit in close proximity of this tree. Causing damage to a protected tree is an offense and may lead to prosecution and a fine.

2. Assessment of application

Assessment	Comment	
Has sufficient information been provided to assess the application?	Yes	
Are the works required due to the trees condition?	Yes	
If so what supporting information has been provided?	Yes	Tree Heritage Arboricultural Report and Safety Survey.
Are the works required due to alleged damage to property ?	No	
If so is a supporting report provided ?		
Are any of the proposed works 'exempt'?	No	
Assessment of amenity value:	High	
Impact of works on the amenity of the area :	Major Adverse	
Physiological health and condition of tree(s).	Fair	
Structural integrity of the trees.	Fair	

Do the proposed works accord with good Arboricultural management?

No. The submitted report does not adequately demonstrate that the tree is in such poor condition that the only option is to remove it.

Taken from Arboricultural report and Safety Survey- 20/12/2021- Tree Heritage
T11 is protected by the TPO and is listed as T1 within the TPO. This tree has die back within the crown, particularly on one side. There are also large amounts of dead wood within the crown. There is decay present at the base and within the stem, with evidence of fire damage. The tree also has included bark present in the main fork. Given the decay at the base and within the stem, as well as the die back within the crown, I would recommend the removal of this tree due to its proximity to the property and driveway.

A site visit on 05/05/2022 by Mike Ellison and Andrew Wyllie of Cheshire Woodlands on behalf of the council noted. *'The tree has been extensively fire damaged on the south side of the stem and from the evidence of a mounded pile of garden waste, it appears that burning of garden refuse is ongoing. At this point there is decay of sapwood from what appears to be old historical fire damage and more recent bark dieback. Again, it appears to be the result of ongoing fire damage. The crown of the tree exhibits generally good health, which some dieback of peripheral shoots in the upper extremities of the crown.'*

Some deadwood was noted in the crown of the tree, much of this minor and of no health and safety significance, a larger diameter dead branch was noted over the fire site, again this branch although more visually significant does not appear to pose a significant health and safety risk. The decay to the main stem looked superficial restricted to one side of the trunk. The stem did not sound hollow when tapped with a nylon mallet. The included bark in the main union did not appear to place the tree at a significantly higher risk of failure. The tree is a very large mature beech tree and has a high amenity value.

The submitted Arboricultural report and Cheshire woodlands site visit both noted that the tree, with the noted defects, was still in a 'fair' condition. And as such its condition was suitable for retention.

3 Consideration of application in relation to SMDC tree policies

Policy No	Assessment	Comment
2.2.2	Is tree work proposed adequately justified?	<p>No, the submitted Arboricultural Survey does not adequately prove that the tree poses a significant risk of failure and as such would require removal.</p> <p>The submitted Arboricultural Survey does not justify why any concerns regarding this tree could not be adequately controlled through sensitive pruning if required.</p> <p>The submitted Arboricultural Survey does not demonstrate that the stem decay and included union has significantly impacted on the physiological condition or the structural stability of the tree. The Arboricultural survey records</p>

		this tree as being in a fair condition.
2.2.4	Is this an ancient or veteran tree?	No
2.2.6	Is this application trying to pre-empt a planning application?	No
2.3.5	Is this tree a risk to neighbouring properties or public land or the highway?	No

4. Summary and Conclusion

The application has been assessed and should be refused for the following reasons.

Further investigation could be carried out by the applicant to determine the full extent of the stem decay and if more significant than currently appears, a further application could be made to fell/ prune the tree. This application would need to evidence the extent of the decay and its significance for the trees safety and justify the recommended remedial work.

It would be appropriate to inform the applicant that the damage to the subject beech tree (dead bark and dead branch) appear to be related to the siting of the bonfire in close proximity. As this is a protected tree causing damage to it could be an offence (See section 210(4) of the Act).

The applicant should be informed that removal of deadwood/ dead branches are exempt and as such any deadwood in the crown of the tree causing concern could be removed with no application for TPO consent required.

5. Recommendations

Tree No	Species	Works applied for	Recommendation
T1	Beech	Fell	Refuse

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 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. SM174

Application
TPO/2022/0004

Location

Moorlands House
Stockwell Street
Leek

Contact Details

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Decision:

Reason:

Interests Declared: