

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL**

**Report to Planning Applications Committee**

**15<sup>th</sup> December 2022**

<b>TITLE:</b>	<b>TPO/2022/0018 - Application to fell a protected tree – Lance House, Clay Lake, Endon</b>
<b>PORTFOLIO:</b>	<b>Leader</b>
<b>OFFICER:</b>	<b>Steve Massey, Arboricultural Officer</b>
<b>WARD:</b>	<b>Brown Edge and Endon</b>

**Appendices Attached –**

**Appendix A:** Location Plan for Lance House, Clay Lake, Endon highlighting position of the application tree.

**1. Recommendation**

1.1 That consent to fell a Sycamore tree at Lance house, Clay Lake, Endon, protected as T15 under Tree Preservation Order (TPO) No. LR.6, be REFUSED for the following reasons:

1.1.1 The Sycamore T15 is readily and prominently visible from the adjacent public highway, from where it is seen as a notable individual 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.

1.1.2 The reasons for the application relate to the shedding of flower residues, seeds, leaves and honeydew, which are simply the inevitable natural seasonal processes of the tree. The applicant has acquired the property with knowledge of the tree and its protected status under the TPO.

1.1.3 The local planning authority has an adopted Tree Strategy which contains policies and guidance which would normally resist the loss of protected trees without sufficient justification. Felling a protected tree in order to deal with the general nuisance experienced as a result of normal seasonal minor debris is not considered to be sufficient justification. The reasons put forward in the application are not considered to amount to sufficient justification to outweigh

the loss of amenity which would result from the removal of T15. The application is therefore considered to be in conflict with the Council's Tree Strategy.

1.1.4 Although not put forward as reasons for the application, it is anyway considered that there are presently no safety-related grounds to support or justify felling. Whilst the Sycamore is mature, it is not considered to show significant signs of decline or senescence, the large wounds left by the removal of major limbs appear to be sound with no obvious signs of decay.

## 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?	No	
If so what supporting information has been provided?	N/A	
Are the works required due to alleged damage to property ?	No	
If so is a supporting report provided ?	N/A	
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):	Good	
Structural integrity of the trees:	Good/Fair	

Do the proposed works accord with good Arboricultural management?

The applicant has proposed that the tree be felled because it is too large and unsuitable for this location. They also state that it is causing a nuisance by dropping leaves, seeds etc and "honeydew" (in fact a secretion from aphids in the tree, rather than from the tree itself) onto the house windows, drive and car etc.

The tree was protected by a TPO in 1967 and was a large tree when the house was built and occupied. The tree is very prominent and its loss would be detrimental to the area. All the reasons to given to justify the removal are the result of normal natural seasonal processes, and not due to disease or any unusual occurrence.

Good arboricultural management would not support felling a significant, protected tree for reasons relating to seasonal nuisance.

### 3. Consideration of Application in Relation to SMDC Tree Strategy Policies

Policy No	Assessment	Comment
2.2.2	Is tree work proposed adequately justified?	No
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?	Nothing noted about the present condition of the tree to suggest it poses an increased risk.

### 4. Summary and Conclusions

- 4.1 The applicant proposes felling of the Sycamore T15 due to the general nuisance arising from normal seasonal shedding of minor debris; this is not considered to be sufficient justification for the loss in public amenity which would result from the removal of this tree.
- 4.2 The applicant suggests that planning permission should not have been granted to construct the dwelling at Lance House so close to the tree. However, the dwelling position is in accordance with British Standards guidance for trees and development relevant at the time of initial approval, subsequent time extension and minor amendments. In addition, the spread of the crown into the site has been reduced by removal of lower main limbs, thus further increasing the separation between dwelling and tree canopy.

### 5. Recommendations

Tree No	Species	Works applied for	Recommendation
T15	Sycamore	Fell and replace.	Refusal

### 6. Implications

- 6.1 Community Safety - (Crime and Disorder Act 1998) Nil.
- 6.2 Employees Nil.
- 6.3 Equalities This report has been prepared in accordance with the Council's Equal Opportunities policy.

- 6.4 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, and be in accordance with the provisions of Part 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.
- 6.5 Legal Nil.
- 6.6 Sustainability Refusal of consent to fell the Sycamore T15 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**

<b>Background Papers</b>	<b>Location</b>	<b>Contact Details</b>
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