

## CHESHIRE EAST COUNCIL

### SOUTHERN PLANNING COMMITTEE

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**Date of meeting:** 12 February 2014  
**Report of:** Heritage and Design Manager  
**Title:** Application to fell protected Pine tree at Leyland Grove, Haslington (App. 13/5163T)

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#### **PURPOSE OF THE REPORT:**

To consider an application (App 13/5163T) to fell a protected Pine tree sited on Council maintained open space land at Leyland Grove, Haslington, Cheshire, which is subject to the **Crewe and Nantwich Borough Council (Oaklands Avenue, Haslington) TPO 1997**, and to determine if the proposed works should be refused. The application has been submitted by a Council Officer from the Streetscape and Bereavement Service department and is being presented to Committee in accordance with the scheme of delegation to ensure appropriate decision making and in the interests of openness and probity as determined by the Councils constitution.

#### **SUMMARY RECOMMENDATION:**

It is recommended that a refusal is proposed to:

Fell a mature Pine growing on the boundary of Public Open Space/Number 52 Leyland Grove, Haslington to reduce risk of further/future damage to fence/pathway

#### **WARD AFFECTED**

Haslington Village

#### **POLICIES**

Corporate Plan – 3 year plan (Outcome four)

To protect the natural and recreational environment, for the benefit of local communities.

#### **FINANCIAL IMPLICATIONS**

For all tree preservation orders made before 2 August 1999, local planning authorities were able to issue an 'article 5 certificate' which removed their liability to pay compensation under the order. These certificates were issued where the authority was satisfied that their decision was made in the interests of good forestry practice or that the trees or woodlands were of outstanding or special amenity value.

The 1999 Regulations did not include this power, but introduced a revised and more clearly defined compensation framework for orders made on or after 2 August 1999.

Possible compensation claim and costs arising as a consequence of the damage to affected fence panel with possible replacement of the panel and reparation and re-laying of paving tiles.

## **LEGAL IMPLICATIONS**

The Council is the Local Planning Authority and has delegated to the Planning Committee the responsibility for determining applications for works to protected trees where the applicant is an employee of the Council at Tier 2 or above, or is an elected member of the Council.

## **RISK MANAGEMENT**

Tree Preservation Orders are made to protect appropriate trees which are of public amenity, are normally visible from a public place and which may contribute to the street scene and local landscape. The reduction in the trees future life expectancy outweighs the tree's current modest contribution to the wider public amenity of the area.

## **CONSULTATIONS**

All Tree Preservation Order applications and Conservation Area notifications are made available to Ward Members, Town Councils and Parish Councils on the weekly planning list.

## **VIEWS OF THE PARISH/TOWN COUNCIL**

No comments have been received.

## **OBJECTIONS/REPRESENTATIONS**

None

## **APPRAISAL AND CONSIDERATION OF THE NOTIFICATION**

The applicant has requested the felling of a Pine tree identified as part of Area 3 of the original Order and located within the grounds of Council maintained open space and adjacent to the property 52 Leyland Grove, Haslington. The tree forms part of a protected area of various species and age groups which is at the head of a cul-de-sac but is connected by foot pathways to various locations in the vicinity.

The Council's Assistant Arboricultural Officer carried out a site visit on 15<sup>th</sup> January 2013 to assess the proposals.

The Pine is of good form, condition and vigour, and currently exhibits no obvious signs of structural weakness or decay and is considered a suitable species for the location.

The Pine together with other protected trees within the immediate area is currently visually prominent from Leyland Grove, Jessop Way, Hamilton Close and surrounding vantage points.

This visual prominence contributes significantly to the well treed nature of the surrounding area. In addition the evergreen crown of the Pine affords welcome greenery throughout the winter period, adding character and diversity to the surrounding landscape.

The obvious high amenity value of the trees in the area is reflected in the relatively high numbers of protected trees and is acknowledged by their inclusion within Area 3 of the Crewe and Nantwich Borough Council (Oaklands Avenue, Haslington) TPO 1997.

It is considered that lateral stem expansion and more pertinently root development has caused the boundary fence to bulge and distort towards the adjacent property and for a paving tile to be lifted from level position to rise at one end by a height of approximately 50mm's. The disruption of the fence and tile is considered to be moderate, with a small indication of fracture evident to the lower section of the fence panel.

A balance has to be struck between the amenity value of the identified Pine, the influence the tree is having on the adjacent boundary fence, the paving tile and the ongoing maintenance implications.

It is accepted that the fence immediately adjacent to the Pine will have to be taken down and re-constructed even if the tree is removed, but a suitable engineered design construction technique could be implemented to bridge across the point of contact with the tree stem and roots, allowing the upper two thirds section of fence panel to remain intact.

A limited amount of root pruning may be required to address the disruption to the paving tiles which would result in an even and uninterrupted level paved surface.

These are considered to be a reasonable solution allowing the tree to be retained as an amenity feature whilst addressing the concerns of the applicant.

It is considered that the principle of justifying the premature removal of a protected tree where there is a reasonable engineered solution is inconsistent with prudent arboricultural management.

In my considered opinion the value and contribution of the tree to the wider amenity outweighs any likely costs due to damage and that in any event the damage can adequately be addressed by an engineering solution which may involve root pruning, which if carried out in accordance with current British Standards may be deemed acceptable to the Council.

## **RECOMMENDATION**

It is recommended that consent is refused to fell the protected Pine tree.