From: Massey, Steven
Sent: 11 October 2017 17:08
To: Simpkin, Rachael
Cc: Planning Comments (SMDC)
Subject: SMD/2017/0536 - Leek Cricket Club, Macclesfield Road, Leek - change of use application

Categories: Blue Category

Rachael

I have the following comments on this application:

The proposal is effectively to provide larger private garden areas to the 2 proposed plots/dwellings for which outline planning permission has already been granted (SMD/2016/0376). No specific physical works are identified as part of this application, merely a change of use to residential curtilage.

The tree report accompanying the application is that which was submitted in support of the outline planning plication SMD/2016/0376 and therefore includes reference to a large mature Cedar tree, situated within what is now identified under the current application SMD/2017/0536 as proposed extended garden to Plot 1. This tree has subsequently been felled (it was not protected at the time and hence its felling did not require the local planning authority's consent). Whilst its continuing presence would not have been reason to object to or refuse the current change of use application, this is now an academic point only.

The felling of the Cedar has, in part, been a catalyst for a new TPO, No. SM.305, made on 13th July 2017 and currently still provisional although fully effective. At present, this affords "blanket" Area-type protection to all trees of any age size and species growing within the defined Area A1 at the time the Order was made. The current application site lies wholly within Area A1 – see attached copy of the TPO plan for info.

There are various trees (together with some shrubs – not subject to TPO control) generally towards the north-eastern end of the application site. The tree report identifies a group of Hollies in this location, denoted G1 on the tree report plan, although other less notable trees may also be present. Holly is regarded as a tree, and therefore the Hollies within G1, along with any other tree species of any age/size) would be subject to TPO protection. Again, the change of use proposal itself would have no impact on these trees, and **I have no objection to this application.** As no physical development or engineering is identified as part of this application, there is no requirement in this instance to impose temporary tree protection conditions.

Nevertheless, unless permitted development rights are removed or restricted, it is anticipated that in the event that planning permission for change of use is granted, normal domestic garden structures and landscaping will follow which in some cases could potentially lead to loss of or damage to protected trees eg erection of walls, excavation of ponds etc. I would therefore request that the following informative be included on the decision notice if planning permission is granted:

It should be noted that trees on or adjacent to the application site, of any age, size or species including Holly, are protected by Tree Preservation Order (TPO). The planning permission hereby granted does not authorise any work to these trees, and specific consent following separate application to the local planning authority under the terms of the TPO would be required to carry out any such work other than where specified as exempt under the Town and Country Planning (Tree Preservation) (England) Regulations 2012. Furthermore, exercise of any non-restricted permitted development rights pertaining to a domestic residential property does not override a Tree Preservation Order, and therefore would not permit felling or pruning of protected trees nor

cutting of their roots unless specifically authorised by grant of consent following separate TPO application.

Steve Massey

Arboricultural Officer / Operational Services
Staffordshire Moorlands District Council and High Peak Borough Council

Moorlands House, Stockwell Street, Leek, Staffordshire Moorlands ST13 6HQ Tel: 01538 395788 Mob:

E-mail:

www.staffsmoorlands.gov.uk www.highpeak.gov.uk

Do you really need to print out this Email? Be green - keep it on the screen.

This transmission is intended for the named addressee(s) only and may contain sensitive, privileged or confidential material and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy or use it, or disclose it to anyone else. If you have received this transmission in error please notify the sender immediately. All GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation.

If this has come to you in error, please notify the sender immediately and delete this email from your system. The Council may be required to disclose this email or any response to it under the Freedom of Information Act 2000.

Do you really need to print out this Email? Be green - keep it on the screen.

This transmission is intended for the named addressee(s) only and may contain sensitive, privileged or confidential material and should be handled accordingly. Unless you are the named addressee (or authorised to receive it for the addressee) you may not copy or use it, or disclose it to anyone else. If you have received this transmission in error please notify the sender immediately. All GCSX traffic may be subject to recording and/or monitoring in accordance with relevant legislation.

If this has come to you in error, please notify the sender immediately and delete this email from your system. The Council may be required to disclose this email or any response to it under the Freedom of Information Act 2000.