

DECISION

Report to planning committee

COMMITTEE: Planning Committee

TITLE: Town & Country Planning Act 1990
Town & Country Planning (Tree Protection)
(England) Regulations 2012
Tree Preservation Order No.149 (2013)
Land to the north of 41 Boon Hill Road
Bignall End (ST7 8LA)

SUBMITTED BY: Head of Operations

1 Purpose

- 1.1 To advise members of the Planning Committee that the above order was made using delegated powers on 15th October 2013, and to seek approval for the Order to be confirmed as made.

2 Background

- 2.1 The Order protects a group of 11 sycamore trees to the rear of a narrow strip of vacant land situated south of Bignall End to the east side of Boon Hill Road and to the north of 41 Boon Hill Road.
- 2.2 The Order was made to safeguard the longer term visual amenity that the trees provide as a result of a planning application being made in August 2013 (13/000662/OUT) to build two dwellings on the site. The relationship between the trees and the proposed dwellings was poor, and the trees would have been likely to have been resented by the occupants of the dwellings, which in turn would be have been likely to result in the trees being felled. There was concern also that the trees could be felled to remove them as an obstacle to future development.
- 2.3 The planning application was subsequently refused in November 2013 and one of the reasons for refusal was the poor relationship of the development to the protected trees, and the likely resultant pressure for either the felling or pruning of the trees. Accordingly the development was considered to be contrary to Policy N12 of the Newcastle-under-Lyme Local Plan 2011 and aims and objective of the National Planning Policy Framework.

3 Issues

- 3.1 The trees stand along the rear boundary of a narrow strip of land along the eastern side of Boon Hill Road. There are open fields to the rear. The trees are early mature sycamores growing with some other species. The trees are clearly visible from the main road, are a significant feature along the road corridor and provide an important contribution to the area. There are few comparable groups of trees in the vicinity. The loss of the trees would have a detrimental affect on the visual amenity, not only of the site but also to the locality and the wider surrounding area.
- 3.2 Your officers inspected the trees in the beginning of October 2013, carried out a TPO assessment, and found them worthy of an Order. They are considered to be in reasonable health, visually significant and an amenity to the locality, with the prospect of continuing to provide this for many years. The Order was made and served on 15th October 2013 in order to protect the long term well-being of the trees. No representations were received.
- 3.3 The refusal of planning permission to develop the site for two residential properties, partly due to the threat to the sycamore trees, gives rise to concern that the trees may be felled to remove them as an obstacle to future development.
- 3.4 Your officers are of the opinion that the longer-term visual amenity of the trees is best secured by the making of a Tree Preservation Order. Your officers are of the opinion that the trees are generally healthy at present and are of sufficient amenity value to merit the making of a Tree Preservation Order. They are considered to be appropriate species for the locality and provide public amenity value due to their form and visibility from public locations. The making of the Order will not prevent the owner from carrying out good management of the trees, it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage or wilful destruction. The owner will be able to apply for permission to carry out maintenance work to the trees which is necessary to safely manage them.

4 Recommendation

- 4.1 That Tree Preservation Order No 149 (2013), land to the north of 41 Boon Hill Road, Bignall End be confirmed as made and that the owners of the site be informed accordingly.