

Confirmation of Tree Preservation Order

Land at North West side of King Street, Newcastle under Lyme

Tree Preservation Order No.167 (2015)

Town & Country Planning Act 1990

Town & Country Planning (Tree Protection) (England) Regulations 2012

The Provisional Order protects a Beech tree situated on Land at North West side of King Street, Newcastle under Lyme.

The Order was made to safeguard the longer term visual amenity that the tree provides after a section 211 notice was submitted informing the council of the applicants intention to fell the tree.

On 23rd March 2105 the Tree Preservation Order was made to safeguard the longer term visual amenity that the tree provides.

Approval is sought for the Order to be confirmed as made.

NB: Section 211 notice

Where an applicant wishes to carry out works to trees that are in a Conservation Area, written notice is required, by letter or email (known as a section 211 notice) describing the works that the applicant wants to do. This is to give the local authority an opportunity to consider protecting the tree with a Tree Preservation Order

The 6 month period for this Order expires on 23rd September 2015

RECOMMENDATION

That Tree Preservation Order No 167 (2015), Land at North West side of King Street, Newcastle under Lyme be confirmed as made and that the owners of the site are informed accordingly.

Reasons for Recommendation

The Beech tree is clearly visible from a considerable length of King Street and from the busy Nelson Place roundabout. The tree is a prominent feature in the landscape when travelling along one of the busiest routes out of the town and is clearly visible from junctions with Borough Road and Hanover Street. The tree makes an important present and future contribution to the locality, and to the setting of Newcastle and Brampton Conservation Areas.

There are no other trees of this stature in such a visually prominent position in the nearby locality. The recent removal of an adjacent Lime tree (following a Section 211 notice in September 2014) has increased the value and visual prominence of this remaining tree.

The tree as an individual is aesthetically pleasing when viewed from the surrounding landscape.

The tree is a significant feature in the locality and makes an important visual contribution to the town centre. Its loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality and Newcastle and Brampton Conservation Areas.

The tree meets the visual criteria for protection under a Tree Preservation Order, and it is felt that issues of concern that were identified by the applicant could be dealt by appropriate arboricultural management, and that they are not sufficient to warrant a Tree Preservation Order not to be made.

Representations

Following the publicity period two letters of objection were received

The first objection made the following points:

- Concerns about the effect of extreme weather patterns.
- Concern about public health and safety given the proximity of the tree to the busy footpath and road.
- Concern that the tree has shed branches following severe winds and rain.
- Concern that pruning the tree would not take away the risk factor that the tree poses.
- The financial burden of tree work.
- Reference was made to a Tree Survey (which was not submitted).

The second objection made the following points:

- The tree is pushing the wall outside 5a King Street onto the pavement.
- Proximity to adjacent property which could cause damage to the structure of the building and the drainage system.

Issues

At the time that the Tree Preservation Order was made, your officer identified and acknowledged the proximity of the tree to the neighbouring property, its slightly one sided shape, along with some evidence of minor branch loss and some minor structural defects (fork over footpath and an occluded wound) however they were not considered to be sufficient to warrant tree preservation order not to be made.

It is felt that matters concerning branch loss could be addressed by appropriate regular inspection and management, which may include: the removal of dead and defective branches along with some minor re-shaping of the crown to balance the canopy and lessen wind loading.

Whilst weather patterns may change, this cannot be accepted as sufficient reason in itself for removing or not protecting trees.

It is felt that the Beech tree can easily be managed in its current position by minor pruning of branches that are growing towards the adjacent property.

No evidence has been submitted to support the concern that the tree could cause damage to drains or is pushing the wall over. Should such damage be alleged then appropriate supporting evidence and repair proposals would be required with any application for removal.

The Tree Preservation Order would not prevent appropriate arboricultural management works from taking place subject to an application.

Your officers do not consider that reasons given by the developer to fell this tree are sufficient, and there isn't sufficient justification for this order not to be confirmed.

Your officers consider that the tree does have sufficient safe, useful life expectancy warrant the confirmation of the Tree Preservation Order.

Date report prepared

29th May 2015