

Confirmation of Tree Preservation Order

LAND AT 14/15 HAWTHORN GARDENS, TALKE.

Tree Preservation Order No.177 (2016)

Town & Country Planning Act 1990

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

The Order protects trees situated in the garden of 14 and 15 Hawthorn Gardens, Talke, ST7 1TD. The Order was made to safeguard the longer term visual amenity that the trees provide arising from uncertainty as to the future of the site and that the trees could be felled as an obstacle to development.

The Order was made using delegated powers on 9th September 2016. Approval is sought for the Order to be confirmed with amendments.

The 6 month period for this Order expires on 9th March 2017

RECOMMENDATION

That Tree Preservation Order No 177 (2016), land at 14 Hawthorn Gardens, Talke, be confirmed with amendments and that the owner of the site be informed accordingly.

Reasons for Recommendation

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 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, and it will give the Council the opportunity to control the works and prevent unnecessary cutting down, lopping, topping, uprooting, wilful damage and 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.

Representations

Letters/emails have been received from three interested parties:

The first points out that the ash tree, T1, is within the garden of 15 Hawthorn Gardens and not number 14.

The second expresses concern about the extent of the work that has been done to the trees covered by the TPO and that it may have been carried out without permission.

A further two letters were received from a neighbour, the second of which was also signed by 5 other neighbours, concerned about the extent and quality of the work carried out both to trees covered by the Order and to other trees on the site. Also with regard to the loss to benefits of health, wildlife and security caused by the loss of trees from the site that have not been included in the TPO, as well as the manner in which the work was executed.

Your officers comments as follows:

The position of the ash tree, T1, has been checked on site and it is proposed to amend the Order accordingly.

Not all trees on the site met the criteria necessary to be included in the TPO and benefits to health, wildlife and security are not primary issues when assessing trees. Many were in a poor condition and as a consequence most of these have been removed by the owner. Despite issues with the methods of working on the trees your officers made every effort to work with the owner and her tree surgeon to achieve an appropriate outcome. Suitable pruning to the TPO trees was discussed with them prior to the work being carried out and an application for work to protected trees was made to the Borough Council. With the exception of one tree being crown-raised higher than would normally be sought, your officers are generally satisfied with the work carried out, and it is hoped that the crown raised tree will regain an appropriate form given sufficient time.

Issues

The trees are situated in the grounds of 14 and 15 Hawthorn Gardens, which backs onto the Newcastle Road (A34). The Order includes 4 individual trees and 2 groups of trees. They are mature trees of oak, horse chestnut and sycamore and are clearly visible from Newcastle Road. Their loss would have a detrimental effect on the visual amenity, not only of the site but also to the locality. There were other trees on the site that are not of sufficient amenity value to be included in the Order.

In September 2016 it was brought to the attention of the Council that tree work was being carried out at 14 Hawthorn Gardens and your officers visited the site and spoke to the owner. It became apparent that major tree works were to be carried out and although the owner cooperated with your officers the exact amount of work was uncertain. This gave rise to concern that important trees could be lost to remove them as an obstacle to development of the garden. Your officers inspected the trees and carried out a TPO assessment, and found several of 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 9th September 2016 in order to protect the long term well-being of the trees.

Amendments

Since the Order was made it has become apparent that the ash tree (T1) is within 15 Hawthorn Gardens and its position has been corrected on the plan. The owner of number 15 was served the Provisional Order and is aware that the ash tree is included in it.

Date report prepared

9th January 2017