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St James' Tower,
7 Charlotte Street,
Manchester, M1 4DZ

T: 0161 836 6910
W: indigo.planning.com

Jennet Hough
c/o Operational Services
Newcastle under Lyme Borough Council
Civic Offices
Merrial Street
Newcastle under Lyme
Staffordshire
ST5 2AG

By email

landscape@newcastle-staffs.gov.uk
jennet.hough@newcastle-staffs.gov.uk

31 August 2018

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Dear Jennet

LAND AT OLD BUTT LANE, KIDSGROVE - TOWN AND COUNTRY PLANNING ACT (TREE PRESERVATION) (ENGLAND) REGULATIONS 2012 REGULATION 3 NOTICE – TREE PRESERVATION ORDER NO 196 (2018)

We refer to the above provisional Tree Preservation Order and by way of this letter we object to the order on behalf of the landowner, Orchard Green Developments Ltd. We respectfully request that the Order is not confirmed.

On 3 August 2018 Newcastle under Lyme Borough Council placed a provisional Tree Preservation Order (TPO) relating to:

"An area of woodland at the end of Old Butt Lane, Kidsgrove."

This provisional TPO relates to an area of *early mature woodland which is presently unmanaged*. The stated reasons for placing the provisional TPO are:

The woodland is clearly visible from Old Butt Lane and from West Avenue (as backdrop trees). The woodland also adjoins public footpaths 'Kidsgrove 217' and Kidsgrove 'Road south west from Butt Lane Farm'. Its removal would have significant visual impact upon these routes. The site is bordered by public footpaths, light industrial land, and residential properties. The woodland acts as a screen between the quiet residential areas on Old Butt Lane and heavily developed areas on West Avenue.

The woodland will also screen the residential development properties from adjacent ICL development site. The woodland ecology will also benefit from its direct link to Shipley Wood (adjacent TPOd woodland). It is considered that the woodland has a high amenity value and its loss would have a negative impact upon the visual amenity, not only the site but also to the

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locality. In order to protect the long-term wellbeing of the woodland it should be protected by a Tree Preservation Order.

As set out in the Town and Country Planning Act (1990) Local Authorities can make a TPO if it appears to them to be “*expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area*”.

As set out in National Planning Policy Guidance (NPPG), objections to newly made TPOs can be made on any grounds. As such, matters relating to ecology, amenity and development potential are discussed in further detail below.

Woodland

The group of trees which are subject to the provisional TPO are referred to in the Order as a ‘woodland’. The definition of a ‘woodland’, as set out in the NPPG states:

“Orders covering a woodland protect the trees and saplings of whatever size within the identified area, including those planted or growing naturally after the Order was made. This is because the purpose of the Order is to safeguard the woodland as a whole, which depends on regeneration or new planting”

Although the trees fall within the definition of a ‘woodland’ they consist of self-seeded, shrubby trees of poor quality and have limited merit either individually or as a group. Apart from stating the trees form a group, the TPO has been placed without assessing the trees health or quality and no ecological work has been undertaken. The Order is therefore unable to identify the species, size or age of the trees.

The group of trees subject to the TPO has not previously been identified as a woodland as illustrated on the Ordnance Survey Base Map of the site (Appendix 1). This implies the group of trees has not been regarded to be an area of high significance previously and as such has limited environmental and ecological benefit. In addition, there are no environmental policy designations on or within close proximity to the site, such as areas of public open space or ecological value. This further demonstrates the limited ecological benefit the trees provide to the surrounding area.

Amenity Value

The Council consider this group of trees to be clearly visible and have a high amenity value not only to the site but to the surrounding local area. However, the visual amenity to the surrounding roads, residential dwellings and public rights of way is limited.

From West Avenue the trees are heavily obscured by the existing industrial buildings to the east of the proposed TPO. The trees which are visible from West Avenue are located within the boundary of industrial units to the south, and not within the proposed TPO. Further industrial development on the site to the south of the TPO area, as proposed by the Council through the draft allocation in Stoke-

on-Trent and Newcastle under Lyne's Local Plan, will further obscure any view of the trees from the surrounding area. Therefore, the trees do not provide a high amenity value.

Although the trees provide some relief and visual amenity to the immediate residential dwellings to the north, along Old Butt Lane, this is the only location where the trees are visible and could provide any level of amenity. However, these are private views of the trees from a small number of houses and does not provide wider views. Old Butt Lane is a quiet, narrow cul-de-sac serving a limited number of dwellings. Given its limited usage, this diminishes the public amenity role of the trees visible from it.

Given the trees are self-seeded, shrubby trees of poor quality, as a whole, this group provides little amenity value to the surrounding area.

The Council also attribute to the amenity value to the public footpaths running through the site. However, the footpath runs through an industrial area and brownfield land, which has been identified for further industrial development, providing little amenity value to users of the footpath. The trees at present make a minimal contribution to the paths and engagement of its users, which clearly are in an urban area, as they enter the path alongside commercial uses. The trees provide very limited relief to the nature of the path use which only changes when it passes further along into the open countryside.

Development Potential

The confirmation of the provisional TPO will limit the development ability of the allocated site. The land adjacent to and including the proposed TPO at Old Butt Lane, Kidsgrove (site location plan enclosed at Appendix 1) is a previously developed and cleared site. It is located within the urban area, of Kidsgrove, adjacent to an existing industrial estate and offers a suitable and available location for development. Consent has been granted for residential development on a number of sites within close proximity, including opposite and further to the south east. This further demonstrates the site as a key location for development.

This site is currently allocated as a proposed employment allocation in Stoke-on-Trent and Newcastle under Lyne Local Plan Preferred Options. However, discussions have been had between the Council and Persimmon Homes with regards to delivering residential development on the site.

Regardless of the form of development, placing a TPO on the group of self-seeded trees on the eastern side of the site would restrict both the layout and the net developable area of the site. This will reduce adversely the site's ability to produce new jobs or homes and subsequent investment within the borough.

Furthermore, the land is not allocated as public open space or as a site of ecological importance. Therefore, the TPO would be the only constraint on the site which would prevent development coming forward. Any development which could occur would be restricted by the TPO and it would present a management burden on the resultant smaller site. This impact on the deliverability of the site will deter

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potential developers from investing and reduce its ability to contribute to the social or economic needs of the borough, which conflicts with the aim of the draft employment allocation.

Summary

The group of trees subject to the TPO have very little amenity value. The trees are restricted from contributing to the local character by existing industrial units, and will only become further obscured following the development of land to the south of the trees. The trees are of poor quality and are only visible to private views from a small number of neighbouring houses. Therefore they have limited public amenity benefit. As the site is located within the urban area of Kidsgrove and has been identified by the Council for an employment use it offers a suitable and available location for development in order to contribute towards economic growth in the local area.

The placing of a TPO on the site would significantly affect the site's development potential and the ability to meet the Council's employment and housing needs. Given the trees subject to the TPO provide low amenity value and very little public benefit, this does not outweigh the substantial harm their preservation will do to the development of the site and its resultant socio-economic benefits to the borough.

Overall, given the above, it is therefore requested that the TPO is not confirmed.

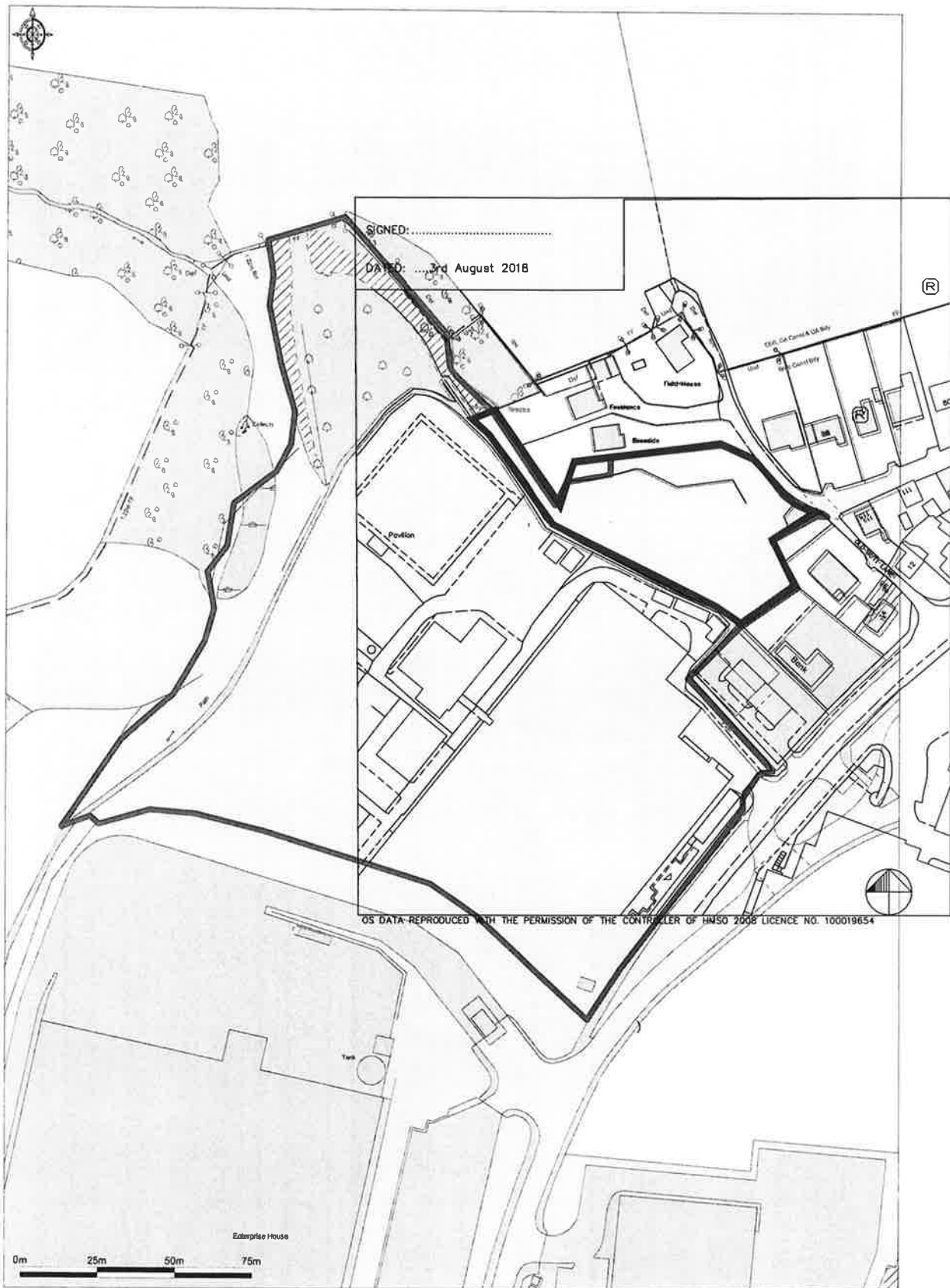
Yours sincerely

A solid black rectangular box used to redact the signature of the sender.

Laura Miller

Enc: Site Plan
cc: Orchard Green Developments Ltd

Surplus AAH Land, West Avenue, Kidsgrove, Newcastle under Lyme



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Harris Lamb

- Site boundary
- Tree preservation order boundary

