

Item no.

Report to: **Development Control and Regulatory Panel**

Date: **25 September 2007**

Report of: **Head of Planning and Building Control Services**

Subject: **Confirmation of Tree Preservation Order at Dene Hall, Easington Colliery**

Ward: **Easington Colliery**

The Site

The site is an area of approximately one hectare and comprises Dene Hall Nursing Home and adjacent land in its curtilage at Station Road, Easington Colliery, which contains four significant groups of trees. These groups effectively form an adjunct to Horden Dene.

The Proposal

The purpose of this report is to request the Panel to agree to the formalising of a temporary tree preservation order made in September 2006 [The District Council of Easington (Dene Hall, Easington Colliery) Tree Preservation Order 2006] prior to its submission to the full Council for confirmation.

Site History

Planning permission was granted in September 2006 for extensions to Dene Hall Nursing Home (ref: 06/367). The proposal included the formation of a new car parking area on a part of the site which contains a number of trees which make a significant contribution to the character and appearance of the area. During the consideration of the application, representations were made to the Council in connection with the possible effects of the proposed development on the trees and, while it was felt that the development could be accommodated without significantly affecting the trees, it was also felt appropriate to protect them for the future by making a temporary tree preservation order.

Planning Policy

The relevant legislation in relation to Tree Preservation Orders is principally contained in Sections 198, 200 and 203 of the Town and Country Planning Act, 1990. The legislation permits the Council, as Local Planning Authority, to make such Orders to preserve trees or woodlands in their area if it is considered expedient to do so in the interest of the amenity of the area. The effect of such an Order makes it an offence for any person to cut down, top, lop, uproot or wilfully damage any tree subject to an Order.

Policy 11 of the District of Easington Local Plan sets out the Council's intentions for the control of works to trees covered by Tree Preservation Orders. The preamble to the policy points out that new areas of trees to be given such protection are continually being assessed, particularly in those areas which are likely to be developed.

The confirmation of this Order would, therefore, be fully in line with Council policies.

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Consultations and Publicity

Before the temporary order was made, representations were made to the Council by people who were concerned for the future of the trees in this area, specifically, an adjacent resident and the local representative for the Campaign for the Preservation of Rural England.

The views of the Council's Countryside Officer were sought and his response was that the trees were important for their landscape contribution and that the mature trees on the site should be protected by a tree preservation order to ensure their retention.

Planning Considerations and Assessment

Government advice in relation to the making of Tree Preservation Orders is that they should be used to protect trees or woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. The subject trees should normally be visible from a public space, such as a road or a footpath. It is also reasonable to have regard to the future benefit trees may bring when allowed to mature.

It is relevant to assess whether or not it is expedient to make an Order. For example, even if a tree(s) was deemed worthy of preservation on amenity value, if it were under good arboricultural management then it would not normally be expedient to make an Order. Conversely, if the Council considered the subject tree(s) were under risk, possibly from development pressure, then it would be expedient to pursue an Order.

On 8 September 2006, planning permission was granted for substantial extensions to the Dene Hall Nursing Home. As a result of these development plans and requests received from a local resident and other bodies for the trees to be preserved, it was thought appropriate that a Tree Preservation Order should be considered.

After carrying out consultations and assessing the trees, it was decided that the trees should be given protection because of their amenity value. On 5 September, 2006, the Head of Planning and Building Control Services, acting under delegated authority, issued a Tree Preservation Order on a temporary basis known as the District Council of Easington (Dene Hall, Easington Colliery) Tree Preservation Order 2006. This Order covered four groups of trees containing, in total, 37 Sycamores, 3 Ash, 2 Beech, 2 Cherry, 2 Wych Elm and 1 Yew.

During the temporary period, representations from interested parties were invited to assist the Council in making a decision as to whether or not the Order should be confirmed but none were received.

Conclusion

It should be noted that a Tree Preservation Order does not stipulate that no works to trees can ever be carried out but it does require anybody who wishes to carry out any works to the trees to submit a formal application. This gives the Council greater control over trees that are considered to provide significant visual amenity.

It is considered that the subject trees provide significant and important visual amenity within the area and that this amenity value will increase over time as the trees become more mature.

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It is considered expedient to make this Order having regard to the amenity value of the trees and the possible pressure to remove some of them when the Dene Hall development works progress.

Recommendation

As the necessary power to confirm Tree Preservation Orders has not been delegated to the Development Control and Regulatory Panel, the matter will need to be referred to a meeting of the District Council. In these circumstances, it is recommended that the Panel resolve to urge the Council to confirm the District of Easington (Dene Hall) Tree Preservation Order 2006.



Graeme Reed
Head of Planning and Building Control