

Item no.

Report to: **Development Control and Regulatory Panel**
Date: **16th October 2007**
Report of: **Head of Planning and Building Control Services**
Subject: **Tree Preservation Order, Peartree House, The Village, Seaton.**
Ward: **Seaham North**

The Site

This is in the rear curtilage of Peartree House on the northern boundary thereof, adjacent to an outbuilding at the rear of Boundary Cottage. The western side is bounded by the service road at the rear of Hillrise Crescent, which also provides access to a new dwelling to the north of the site of the tree. The tree is a mature Sycamore, which is a significant visual feature in the locality.

The Proposal

The purpose of this report is to request the Panel to agree to the formalising of a temporary tree preservation order made on 8th August 2007 [The District Council of Easington (Peartree House, The Village, Seaton No.2) Tree Preservation Order 2007] prior to its submission to the full Council for confirmation.

Site History

Over the last two years planning approvals have been granted for the development of land at the rear of Peartree House, two of which have resulted in an encroachment on the subject tree and the Council is aware of pressure to have the tree felled, hence the draft Order which has been put in place to protect the tree.

Planning Policy

The relevant legislation in relation to Tree Preservation Orders is principally contained in sections 198, 200 and 203 of The Town & 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 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.

Members will be aware that the Local Plan expired on 27th September 2007 and that the previously relevant policy 11 (in relation to tree preservation orders) is not a saved policy.

Consultations and Publicity

Before the temporary Order was made, representations had been made to the Council by concerned local residents about the future of the tree following the demise of the former owner of Peartree House. Since the draft Order was publicised, the Council has received further endorsement from a neighbour for the proposed Tree Preservation Order.

Item no.

The views of the Council's Countryside Officer were sought and his response was that the tree appeared in good condition and contributed to the mature tree cover around Seaton village and as the site could be potentially developed, it would be prudent to protect the tree by a TPO.

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 tree(s) should normally be visible from a public space, such as a road or a footpath and this is the case with the tree at the rear of Peartree House.

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.

As noted above, various planning applications have been submitted and approved for residential development to the north of Peartree House, the most relevant of these are as follows:

Application 2006/0375 – Rear extension and double garage, approved 23.06.2006. The double garage element is close to the tree on its southern side.

Application 2006/0453 – Erection of a house, approved 19.07.2006. This site adjoins the curtilage of Peartree House.

Following approval for these developments, the Council has been made aware that enquiries have been made with a view to having the tree removed and thus the view is that this would be detrimental to the character and appearance of this part of Seaton village and should be resisted.

Thus a draft Tree Preservation Order is in force and the period allowed for consultations has now elapsed. The consultations were directed to dwellings around the site of the tree and one letter of support for the Council's proposed action was 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 a tree, 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 tree provides significant and important visual amenity in the locality but because of changing circumstances in the vicinity thereof, the protection given by the Tree Preservation Order is essential in this instance.

Item no.

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 (Peartree House, The Village, Seaton, No.2) Tree Preservation Order 2007.



Graeme Reed
Head of Planning and Building Control