

Item 4

REPORT TO DEVELOPMENT CONTROL

10 November 2006

REPORT OF HEAD OF PLANNING

Planning and Development Portfolio

Tree Preservation Order No. 45/2006 2 Middridge Road, Rushyford

1. SUMMARY

- 1.1 A provisional Tree Preservation Order (TPO) was made at the above site on 24 August 2006. The purpose of this report is therefore to consider whether it would be appropriate to make the Order permanent.
- 1.2 The Town and Country Planning Act 1990 enables Local Planning Authority (LPA) to make a TPO if it appears to be “expedient in the interests of amenity to make provision for the preservation of trees and woodlands in their area”. The Order must be confirmed within 6 months of being made or the Order will be null and void. The serving of the TPO is normally a delegated function, whilst the confirmation is by members.
- 1.3 The tree that is the subject of the Order provides amenity value to the area and is considered worthy of protection to preserve the character of the landscape.

2 RECOMMENDATIONS

- 2.1 It is recommended that Committee authorise confirmation of the Order.

3. BACKGROUND

- 3.1 At the time that the Order was served the tree was subject to enquiries as to the status of the tree. No protection existed and the enquiry indicated that the tree would be felled.
- 3.2 The tree provides public amenity along Middridge Road and particularly the A167. The tree stands on the perimeter of the rear garden, partly screens the built environment and softens the landscape impact of a row of 6 dwellings. The tree provides a skyline feature.

4 CONSULTATIONS

- 4.1 Under the terms of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999, the Order was served on the owners of the land, and the owner/occupiers of all adjacent properties that may be affected by the Order. The parties were invited to make representations within 28 days of the date the Order was served, in order that comments could be reported to Committee.
- 4.2 Two letters of objection were received. One letter of support was received. These are summarised below.

Support for the Order

4 Eden Gardens

- The tree softens and enhances the built environment
- The tree is beautiful and has a long life span.

Objections to the Order

3 Middridge Road

- Roots may damage the sewers and foundations of the house
- Restriction of views and light
- The tree does not provide amenity
- Removing leaves is too onerous

1 Middridge Road

- Lack of light
- Tree is too close to building
- Danger of damage to drains
- The tree does not provide amenity
- The tree was not previously seen as valuable

5. Response to objections

- 5.1 It is acknowledged that as the tree stands to the south of the dwelling that the tree will cause shading to your garden and possibly the house. There is no right to direct sunlight within a domestic garden, however this issue can be tackled by appropriate professional crown thinning of the canopy. The removal of the tree would be disproportionate to the seasonal problem. Ash is the last native tree to form leaves and the first to drop their leaves so the problem is confined to a short period of the year. The tree provides amenity and wildlife habitat throughout the year.

- 5.2 The tree is 10 metres from the building. Landscape treatments for new developments regularly include planting of trees much closer than 10 metres. The threat from the tree is perceived rather than real.
- 5.3 Tree roots cannot penetrate drains by the extension growth of their roots. Provided that the drains are fit for purpose and in good condition the tree roots should not cause any problems.
- 5.4 Leaf fall is a seasonal problem and part of normal household maintenance. The removal of the tree is disproportionate to the seasonal problem.
- 5.5 The tree can be pruned following the granting of consent to restrict the size and remove any dead or dangerous branches.
- 5.6 The tree does provide public amenity to drivers, cyclists and pedestrians, especially during the rush hour when traffic is often stationary or very slow close to the busy Rushyford junction. At least one resident sees the tree as an important public amenity as they are in support of the Order.
- 5.7 Tree preservation orders are usually only served where a tree is under threat. If the tree is not under threat it is not expedient for us to act. In this instance the tree is clearly under threat and is, in addition, judged as important to the landscape.
- 5.8 The local planning authority is under a legal obligation to preserve trees and woodlands within its borough where it is expedient in the interests of amenity. Given the importance of climate change and biodiversity this obligation is gaining increasing importance. In this case, it is believed that the judicious pruning of the protected ash can attain a compromise, that will both preserve the public amenity and address the objections to the Order.

Background Papers

- Item a Tree Preservation Order 45/2006: Plan and Schedule
- Item b Letter of support
- Item c Letter of objection
- Item d Letter of objection
- Item e TEMPO evaluation



SEDGFIELD BOROUGH COUNCIL
 TREE PRESERVATION ORDER
 45/2006

Location:
 2 Middelridge Road, Rushyford

This map is referred to in the
 Sedgfield Borough Council
 Tree Preservation Order 45/2006

⊕ **OS Grid Reference**
 NZ 428288,528651

Legend

- ⊙ Individual Tree eg T1 etc.
- ▭ Indicative Boundary
- ⊕ OS Grid Reference

Scale 1:500


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Signed
 Mayor:

Authorised Signatory:

Date:

Glyn Hall, Director
 Neighbourhood Services
 Sedgfield Borough Council
 Council Offices
 Spennymoor
 DL16 6JQ



SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on TPO 45/2006 map	Description	Location
T1	Ash	Southern boundary of rear garden

Groups of Trees
(within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
	None	

Trees specified by reference to an area
(within a dotted black line on the map)

Reference on map	Description	Situation
	None	

Woodlands
(within a continuous black line on the map)

Reference on map	Description	Situation
	None	

4, Eder Gardens
Rushyford
Co Durham
DL17 0SL
S. 9. 06.

DEVELOPMENT CONTROL
RECEIVED
- 7 SEP 2006

Dear Mr Howe,

We write in reply to your letter regarding the serving of a tree preservation order at 2, Middridge Road, Rushyford.

We feel that the tree is an important feature in the road, it softens and enhances the landscape around the houses and deserves to continue its already long life.

We would not be opposed to sympathetic pruning to the tree but feel strongly its beauty should be allowed to continue for all to enjoy.

yours sincerely
June Bowtell

DEVELOPMENT CONTROL
RECEIVED

- 8 SEP 2006

3, Middridge Road,
Rushyford,
Ferryhill,
County Durham,
DL17 0NH.
4/9/06

Ref, RVL/TPO45/2006.

Tree preservation order ,no 2 Middridge road, Rushyford.

Dear sir,

With reference to the above matter please find our concerns as we see them affecting our property. The woodland Trust recommends to avoid planting a tree (such as the ash) within 10 to 15 mtrs of a building to avoid damage to the structure of the building. The tree in question is only about 4mtrs from the main sewer running behind the property, and our concern is that as the tree matures (to 45mtrs height of growth in 10 to 20 years maturing about 60 years.) the root system will damage the main sewer and the foundations of our property.

At the moment we get small branches dropping onto the rear of our property in strong winds, and we are concerned that the main trunk could fail (where it has divided) and a large trunk could cause considerable damage to our property.

The tree has doubled in height since we moved into our property 17 years ago, so it still has about 20 years of growth left and will completely block out the light to the rear of our property. If the tree was felled this would give us back light into the rear of our property and also our view from the rear upper windows which has been restricted by the tree, would be restored.

As for it being a public amenity on the A167, surely our amenity and lessening of damage to our property is far more important than to people driving past who probably do not even notice the tree. Yes I agree it partly screens the built environment, giving us darker rooms and no view whatsoever from the rear of our property over the land, which was one of the reasons that we bought the property.

Both my wife and I are retired through ill health, so who is expected to clean up the mess of leaves that daily fall into our property every autumn, and a mature ash tree drops literally thousands of seed pods every year. Will the council (who put the order on the tree) or the people on the A167 who enjoy (the amenity of the tree) clean up the mess, and repair any damage to our sewer or property ? I think not !

Please let common sense prevail and let the owner fell the tree, or at the very least prune it to a reasonable size, thus eliminating any future damage to our property, or the main sewer.

Yours faithfully,
Mr & Mrs D Smith.

Mr. C. Walton
Head of Planning Services
Sedgefield Borough Council
Council Offices
Spennymoor
DL16 6JQ

DEVELOPMENT CONTROL
RECEIVED

18 SEP 2006

Dear Mr. Walton,

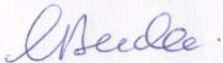
I am writing to you in response to a letter received from you dated 24th August relating to a Tree Preservation Order which you are considering making permanent on a house that I have purchased recently , 2 Middridge Road, Rushyford.

I would like to make objections against this order for the following reasons:-

- 1) This tree is very large and dominates a small garden, restricting light to the rest of the garden and also the house.
- 2) It is not recommended that this type of tree be planted so near a building.
- 3) The problems to the drains in this area with such extensive root systems may become a large financial problem for me.
- 4) The neighbour who is in number 3 Middridge Road complains about the leaves and branches falling into his Garden.
- 5) This tree has not finished growing yet.
- 6) This tree is far enough away from the A167 to provide no public amenity. I would also question it being a public amenity to any other occupants of Middridge Road.
- 7) This tree was not seen as a valuable tree to you until I made enquiries about capping the tree to Mr. Lowe,
- 8) This reaction to me seems very unfair to two families who own 2 & 3 Middridge Road, Rushyford.

I will be very interested to have your comments on my objections.

Yours faithfully



Glenda Beedle
1 Eden Gardens
Rushyford
Co. Durham
DL17 0SL

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Item e

TREE EVALUATION METHOD FOR PRESERVATION ORDERS		
SURVEY SHEET AND DECISION GUIDE		
	Tree/Group No.	Species;
Surveyor; Rodger Lowe	T1	Ash
Owner;		
Location; 2 Middridge Road, Rushyford		
Date; 21 September 2006		
<u>PART 1; Amenity Assessment</u>		
a) Condition and suitability for Tree Preservation Order		
Refer to Guidance Note for definitions		
Score		
5) Good	Highly suitable	5
3) Fair	Very suitable	
1) Poor	Unlikely to be suitable	
0) Unsafe, Dead	Unsuitable	
b) Longevity and suitability for Tree Preservation Order		
Refer to 'Species Guide' section in Guidance Notes		
Score		
5) 100+	Highly suitable	5
4) 40 - 100+	Very suitable	
2) 20 - 40	Suitable	
1) 10 - 20	Just suitable	
0) < 10	Unsuitable	
c) Relative public visibility and suitability for Tree Preservation Order		
Consider realistic potential for future visibility with changed land use		
Score		
5) Very large trees, or trees that are a prominent skyline feature	Highly suitable	
4) Large trees, or medium trees clearly visible to the public	Suitable	4
3) Medium trees, or larger trees with limited view only	Just suitable	
2) Small trees, or larger trees visible only with difficult	Unlikely to be suitable	
1) Young, very small trees or trees not visible to the public	Probably unsuitable	
d) Other factors		
Trees must have accrued 7 points or more (with no zero scores) to qualify		
Score		
5) Principal components of arboricultural features, or veteran trees		
4) Members of groups of trees that are important for their cohesion		

3) Trees with significant historic importance	
2) Trees of particularly good form, especially if rare or unusual	
1) Trees with none of the above	1

Part 2; Expediency assessment

Trees must have accrued at least 7 points to qualify

	<u>Score</u>
5) Known threat to trees	5
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	
0) Tree known to be actionable nuisance	

Part 3; Decision Guide

Score Total

Decision

		Score Total	Decision
Any 0	Do not apply TPO		
1-6	TPO indefensible		
7-10	Does not merit TPO		
11-13	Possibly merits TPO		
14+	Definitely merits TPO	20	TPO 45/2006

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