

# Item 14

ITEM NO.

REPORT TO DEVELOPMENT CONTROL

1 June 2007

REPORT OF HEAD OF PLANNING

## Planning and Development Portfolio

### Tree Preservation Order No. 49/2007 5 Durham Road Sedgfield

#### 1. SUMMARY

- 1.1 A provisional Tree Preservation Order (TPO) was made at the above site on 22 March 2007. 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 the Local Planning Authority.
- 1.3 The trees that are the subject of the Order provides amenity value to the area and are considered worthy of protection to preserve the character of the area.
- 1.4 Objections to the inclusion of T2 and T12 have been received

#### 2 RECOMMENDATIONS

- 2.1 It is recommended that Committee authorise confirmation of the Order **but omit T2.**

#### 3. BACKGROUND

- 3.1 An Order made in 1981 is in need of revision due to errors in the schedules. Additional trees at this location have been identified as worthy of preservation and may be subject to development pressures
- 3.2 The trees that are the subject of the Order provide high amenity value to the area and form part of an important mature landscape corridor leading into Sedgfield village

- 3.3 The retention of trees on the perimeter of the site will form a screen to any new development with high elevations and retain the sense of maturity.
- 3.4 T12 is an excellent specimen of a seldom species.

#### **4 CONSULTATIONS**

- 4.1 Under the terms of the Town and Country Planning Act 1990 and the Town and Country Planning (Trees) Regulations 1999, copies of the Order was sent to the owners of the land, adjacent properties and Sedgefield Town Council. 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 Five letters of support were received. One letter of objection was received.

#### **5 REPRESENTATIONS**

- 5.1 Five letters of support were received from local residents supporting the protection of the trees and the amenity they provide to the surrounding residential dwellings and that they contribute to the streetscene.
- 5.2 One letter of objection was received, objecting to T2 and T12. (see item b)  
The objection to T2 is that it is being suppressed by the surrounding trees and that it will never attain its natural canopy shape.  
The objection to T12 is that the tree is not visible from a public place.
- 5.3 Comments on objections

##### **T2 Horse Chestnut**

It is agreed with the supposition that this tree will not attain its natural canopy shape and is being suppressed by the adjacent Limes. The omission of this tree from the Order would not have a significant affect upon the local landscape.

##### **T12 Blue Spruce**

The Tree Preservation Officer disagrees with the assessment of this tree as a 'reasonable' specimen. It is entirely free of defects and in perfect health. It is certainly the best specimen of its species within our Borough.

The proximity of the tree to the dwelling has no bearing on the validity of a TPO, and there is no suggestion that the tree is causing any nuisance.

The tree is visible from public footpaths and open spaces both from Hawthorn Road and Durham Road. The visibility will only increase with time as the tree grows taller. The amenity value increases as deciduous cover declines in the winter.

## **Background Papers**

Item a Tree Preservation Order 49/2007: Plan and Schedule

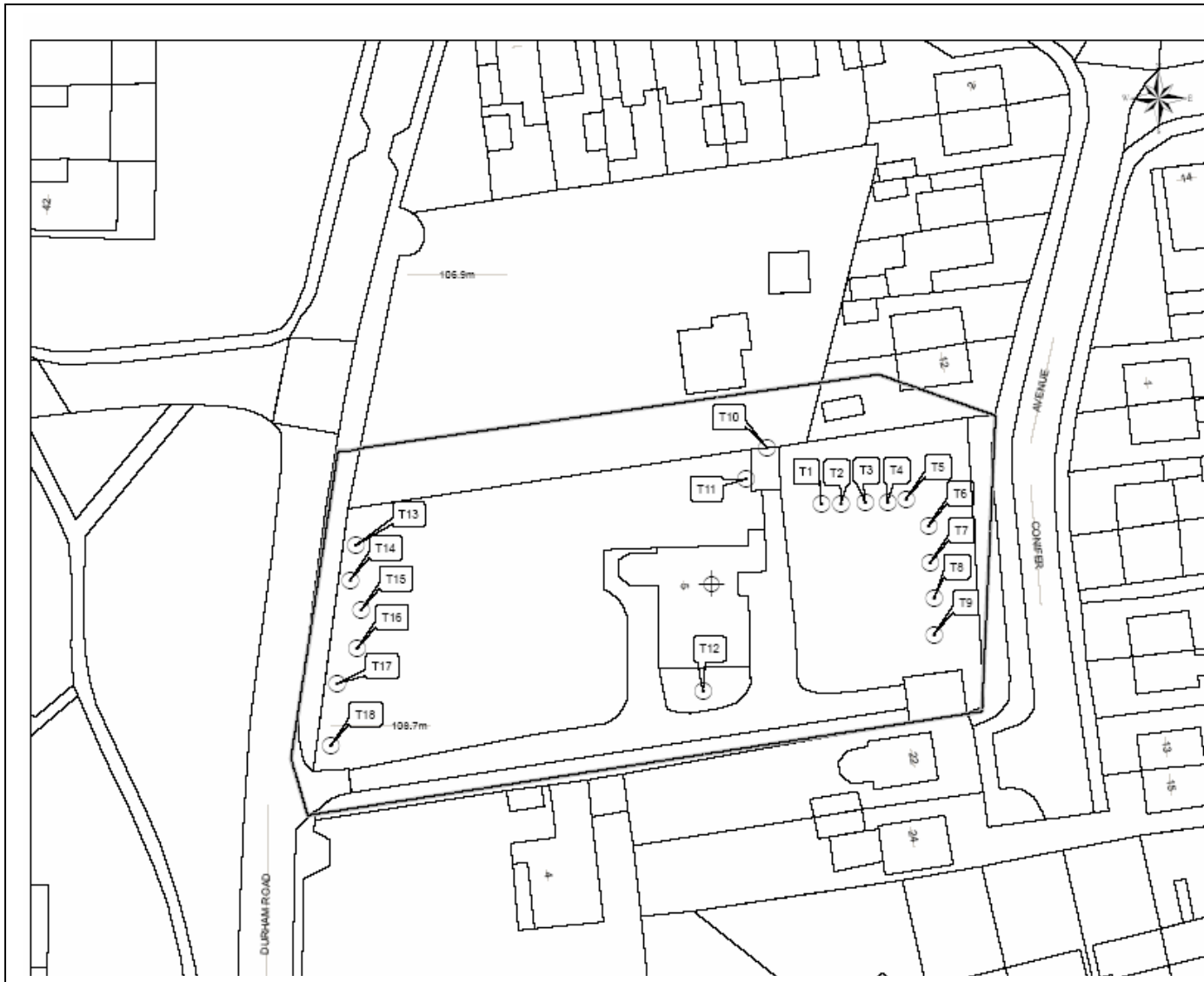
Item b Letter of objection

Item c TEMPO evaluation

Item a

<u>SPECIFICATION OF TREES</u>		
Trees specified individually (encircled in black on the map)		
<i>TPO 49/2007 map</i>	<b>Description</b>	<i>Location</i>
T1	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
T2	<i>Horse Chestnut</i>	<b>Between main building and boundary with Conifer Avenue</b>
T3	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
T4	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
T5	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
T6	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
T7	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
T8	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
T9	<i>Lime</i>	<b>Between main building and boundary with Conifer Avenue</b>
T10	<i>Beech</i>	<b>Between northern boundary and shed</b>
T11	<i>Birch</i>	<b>1m west of shed</b>
T12	<i>Blue Spruce</i>	<b>Within 5m of southern wall of main building</b>
T13	<i>Yew</i>	<b>Western boundary</b>
T14	<i>Sycamore</i>	<b>Western boundary</b>
T15	<i>Ash</i>	<b>Western boundary</b>
T16	<i>Pine</i>	<b>Western boundary</b>
T17	<i>Sycamore</i>	<b>Western boundary</b>
T18	<i>Sycamore</i>	<b>Western boundary</b>









**SEDFIELD BOROUGH COUNCIL  
TREE PRESERVATION ORDER  
49/2007**

Location;  
5 Durham Road Sedgfield

This map is referred to in the  
Sedgfield Borough Council  
Tree Preservation Order 49/2007

 **OS Grid Reference**  
NZ 435501, 529424

- Legend**
-  Individual Tree eg T1 etc.
  -  Indicative Boundary
  -  OS Grid Reference

Scale 1:500

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Signed  
Mayor: .....  
Authorised Signatory: .....

# IAN KEEN LIMITED

RL

*Consultants for Trees and Landscapes*

Sedgefield Borough Council  
Legal Department  
Council Offices  
Spennymoor  
DL16 6JQ

To Head of Planning

DATE 26.4.07

24 April 2007

Dear Sirs

**TREE PRESERVATION ORDER 49/2007  
LAND AT 5 DURHAM ROAD, SEDGEFIELD**

We act on behalf of Mr. & Mrs J Forbes, owners of 5 Durham Road, Sedgefield, to object in accordance with Regulation 4 against the inclusion of two trees within Tree Preservation Order 49/2007. We are conscious the date for objection has passed, but we have only just been instructed and accordingly have submitted this response as soon as instructions were received. May we respectfully request this letter is considered prior to confirming the Order.

The two trees to which we object are:-

**T2 Horse Chestnut**

This tree is significantly asymmetric and strongly biased to the south. The reason for this abnormal growth pattern is the presence of the two adjoining Lime trees T1 and T3 that are dominant over and causing suppression to the Horse chestnut. Consequently it is a very minor tree with the inability to develop satisfactorily and hence its exclusion from the Order would be appropriate.

**T12 Blue Spruce**

Whilst a reasonable tree in its own right, it is close to the existing house (5m) and due to its internal site location provides no public benefit as it cannot be clearly seen from any public viewpoint. May we advise you that trees must be visible from a public place to warrant statutory protection in this manner.

We, therefore, request that trees T2 and T12 be excluded from the TPO prior to confirmation.

Please acknowledge receipt of this objection and confirm the objection will be placed before the relevant Committee or delegated Officers before the Order is confirmed.

Yours faithfully,



**IAN KEEN**  
NDF MIC.For, F.Arbor.

c.c. Dave Tyro

ian keen is a registered consultant of the Arboricultural Association  
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<b>SURVEY SHEET AND DECISION GUIDE</b>		
Surveyor; Rodger Lowe	Tree/Group No. T12	Species; Blue spruce
Owner; not known		
Location; 5 Durham Road Sedgefield		
Date; 3 May 2007		
<b>PART 1; Amenity Assessment</b>		
<b>a) Condition and suitability for Tree Preservation Order</b>		
Refer to Guidance Note for definitions		
<b>Score</b>		
5) Good	Highly suitable	5
3) Fair	Very suitable	
1) Poor	Unlikely to be suitable	
0) Unsafe, Dead	Unsuitable	
<b>b) Longevity and suitability for Tree Preservation Order</b>		
Refer to 'Species Guide' section in Guidance Notes		
<b>Score</b>		
5) 100+	Highly suitable	
4) 40 -100+	Very suitable	4
2) 20 - 40	Suitable	
1) 10 - 20	Just suitable	
0) < 10	Unsuitable	
<b>c) Relative public visibility and suitability for Tree Preservation Order</b>		
Consider realistic potential for future visibility with changed land use		
<b>Score</b>		
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	
3) Medium trees, or larger trees with limited view only	Just suitable	3
2) Small trees, or larger trees visible only with difficulty	Unlikely to be suitable	
1) Young, very small trees or trees not visible to the public	Probably unsuitable	
<b>d) Other factors</b>		
Trees must have accrued 7 points or more (with no zero scores) to qualify		
<b>Score</b>		
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	2	
1) Trees with none of the above		
<b>Part 2; Expediency assessment</b>		
Trees must have accrued at least 9 point to qualify		
	<u>Score</u>	
5) Known threat to trees		
3) Foreseeable threat to tree		
2) Perceived threat to tree	2	
1) Precautionary only		
0) Tree known to be actionable nuisance		
<b>Part 3; Decision Guide</b>		
	<u>Score Total</u>	<u>Decision</u>
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	16 TPO 49/2007

**Further notes and comments**

Excellent example of species. Most species in borough as in poor condition.  
Visible from Durham Road (public footpath through wooded open space) and Hawthorn Road.

Amenity value particularly valuable during winter months