

**DEVELOPMENT CONTROL
COMMITTEE**

Friday,
11 July 2008
10.00 a.m.

Council Chamber,
Council Offices,
Spennymoor

**AGENDA
AND
REPORTS**



This document is also available in other languages, large print and audio format upon request

العربية (Arabic)

إذا أردت المعلومات بلغة أخرى أو بطريقة أخرى، نرجو أن تطلب ذلك منا.

বাংলা (Bengali)

যদি আপনি এই ডকুমেন্ট অন্য ভাষায় বা ফরমেটে চান, তাহলে দয়া করে আমাদেরকে বলুন।

(中文 (繁體字)) (Cantonese)

如欲索取以另一語文印製或另一格式製作的資料，請與我們聯絡。

हिन्दी (Hindi)

यदि आपको सूचना किसी अन्य भाषा या अन्य रूप में चाहिये तो कृपया हमसे कहे

polski (Polish)

Jeżeli chcieliby Państwo uzyskać informacje w innym języku lub w innym formacie, prosimy dać nam znać.

ਪੰਜਾਬੀ (Punjabi)

ਜੇ ਇਹ ਜਾਣਕਾਰੀ ਤੁਹਾਨੂੰ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਜਾਂ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ ਚਾਹੀਦੀ, ਤਾਂ ਇਹ ਸਾਥੋਂ ਮੰਗ ਲਓ।

Español (Spanish)

Póngase en contacto con nosotros si desea recibir información en otro idioma o formato.

اردو (Urdu)

اگر آپ کو معلومات کسی دیگر زبان یا دیگر شکل میں درکار ہوں تو برائے مہربانی ہم سے پوچھئے۔

AGENDA

1. APOLOGIES

2. DECLARATIONS OF INTEREST

To notify the Chairman of any items that appear later in the agenda in which you may have an interest. (Pages 1 - 4)

3. TREE PRESERVATION ORDER NO 54/2008 NORTH CLOSE

In accordance with the decision of the Committee at its meeting on 20th June 2008 to consider the attached report in respect of the above Tree Preservation Order and inspect the site.

Following preliminary discussions Members will proceed to the site.

Following completion of the site inspection the Committee will reassemble in the Council Chamber, Council Offices, Spennymoor to consider its recommendations. (Pages 5 - 26)

B. Allen
Chief Executive

Council Offices
SPENNYMOOR

Councillor A. Smith (Chairman)
Councillor B. Stephens (Vice Chairman) and

All other Members of the Council

ACCESS TO INFORMATION

Any person wishing to exercise the right of inspection in relation to this Agenda and associated papers should contact

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Item 3

ITEM NO.

REPORT TO DEVELOPMENT CONTROL

20 June 2008

REPORT OF HEAD OF PLANNING

Planning and Development Portfolio

Tree Preservation Order No. 54/2008 North Close

1. SUMMARY

- 1.1 A provisional Tree Preservation Order (TPO) was made at the above site on 12 April 2008. The purpose of this report is therefore to consider whether it would be appropriate to make the Order permanent, amend the Order or allow the Order to lapse.
- 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 Development Control Committee.
- 1.3 The woodlands, groups and individual trees not only provide a high degree of amenity to the local area but are considered worthy of protection to preserve the character of the wider landscape of this part of the Borough.

2 RECOMMENDATIONS

- 2.1 It is recommended that Committee authorise the confirmation of ‘Amendment B’ to the original Order.

3. BACKGROUND

- 3.1 The settlement of North Close has developed over the last 80 years and commands a prominent elevated position in the local landscape, being one of the highest points in the Borough. The landscape and settlement is heavily influenced by mature trees, some of which are remnants of ‘Durham Head Plantation’, which was gradually felled in the 50’s and 60’s to make way for housing. The mature trees provide the major landscape feature of the settlement and contribute significantly to the character of the area.

- 3.2 Only one tree in the settlement enjoys any protection at the present time and there has been a steady degradation of the tree cover within recent years. The order will ensure that replacement trees are planted should it be necessary to remove any protected trees.
- 3.3 The trees subject to this Order stand at the gateways and main road corridors through the settlement and are largely contemporary with the built environment.
- 3.4 The large residential plots may be subject to development pressures. The trees, if protected will provide additional design constraints for any future new build thus helping to preserve the character of the settlement.
- 3.5 In 2006 NEDL felled and pruned a significant number of trees in North Close which resulted in significant public concern for the preservation of the tree cover in the area. The TPO is in part a long term response to these concerns and a mechanism for future statutory consultation between NEDL and the Local Planning Authority (LPA). It is the LPA's belief that without some tree protection measures the character of the settlement will change to the detriment of the area as a whole.
- 3.6 Whilst we agree that the TPO covers many trees in the settlement we feel that this is justified considering the quality of the landscape, the prominence of the site in an elevated position and the current lack of statutory protection.

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 on which the trees stand and 3 site notices were posted around the settlement. Spennymoor Town Council was also consulted. 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 The consultation period resulted in;
- 5 objections to the designation of Woodland 1
 - 1 objection to the designation of Woodland 2
 - 2 objections to the designation of Woodland 3
 - 1 objection to the designation of T5-11
 - 1 objection to the designation of T3 and T4
 - 19 expressions of support for the Order.

Each letter of comment has received a detailed reply and a site visit. The comments are reproduced at Appendix c

The objections broadly concentrate around the following issues;

- a. Woodland designation that is too restrictive on maintenance of essentially intensively managed garden areas.
- b. A TPO is not necessary.

- c. Serving of a TPO will restrict development.

5. Response to objections

Objection to the use of a woodland designation that was too restrictive on maintenance of essentially intensively managed garden areas.

- 5.1 We concur with the objection and we have taken steps to address the issue by surveying the gardens of 18,17,16 and 44 North Close and 3 –13 Ridgeside. We have identified individual large specimen trees that make the most contribution to the landscape and clarified issues relating to which trees are actually protected. This has led to some of the objections being withdrawn.
We have not been invited to survey 19 North Close, therefore, we have amended the woodland boundaries only, in response to some of the objections of this landowner.

A TPO is not necessary.

- 5.2 In serving TPO's we are guided by central government advice to Local Planning Authorities

"Other factors (such as importance as a wildlife habitat) may be taken into account...the risk of felling need not be imminent before an Order is made and trees may be regarded at risk generally from development pressures and changes in property ownership; and intentions to fell are often not known in advance and the preservation of selected trees by precautionary orders may therefore be considered to be expedient"

...Circular 36/1978

- 5.3 The Government have long recognised that changes in property ownership are becoming more frequent and that tree management, taste and fashion may influence landscape management and as trees grow older the lay person may be more inclined to remove trees and not to replant trees.
- 5.4 Inappropriate management has been carried out in the last few years to the detriment of the longevity of individual trees protected by this Order.
- 5.5 Applications for works to protected trees attract no fee and the LPA seek to control the quality of the works carried out rather than any works *per se*. Large trees need very infrequent pruning, therefore, applications should not need to be lodged on a regular basis.

The Order restricts development

- 5.6 Any development of a property would be considered on its merits under planning regulations in force at the time. The presence of trees on the site will be a

constraint to layout but will form only part of the considerations following a planning application.

- 5.7 Tree Preservation Orders are served to protect public amenity regardless of whether the site is subject to planning enquiries.
- 5.8 We assume that the objections are theoretical only, but at other locations covered by the Order the trees *are* a live material development consideration. In planning terms it is always preferable to identify important trees prior to consideration of development enquiries.

Background Papers

Item a Tree Preservation Order 54/2007: Amendment 'B' Plan, maps 1-3



SEDGFIELD BOROUGH COUNCIL
TREE PRESERVATION ORDER No 542008
 Revision B
 Location: North Close
 Map 2 of 3 maps

Legend
 ○ Individual tree eg. T1 etc.
 □ Group of trees
 ▭ Woodland eg. W1 etc.

Ordnance Survey National Grid Reference:
 NZ 426076, 532102 (point taken at
 centre of site)

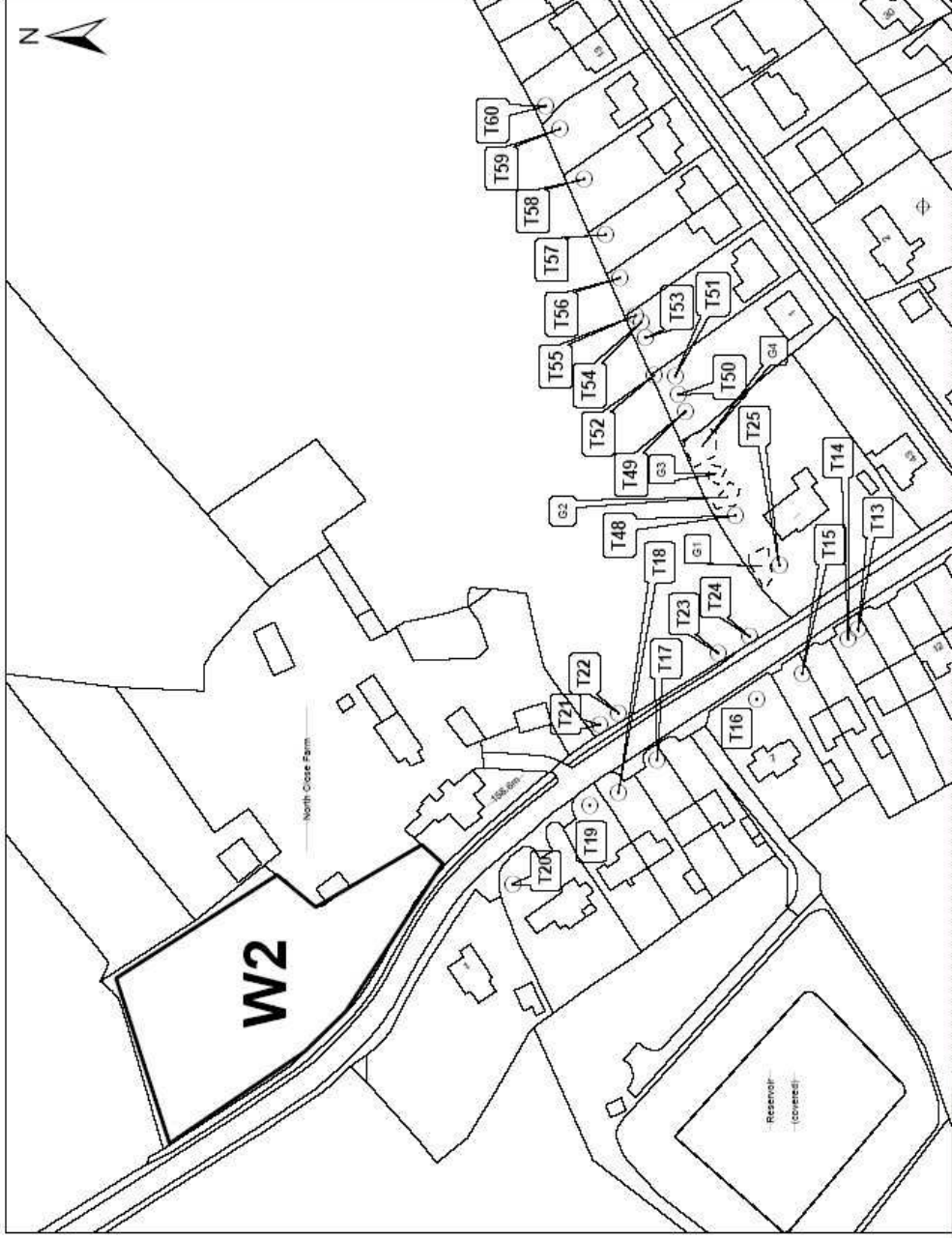
Scale 1:1000

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Signed _____
 Mayor
 Authorised Signatory
 Date _____



SEDGFIELD BOROUGH COUNCIL
TREE PRESERVATION ORDER No 54/2008
Revision B
 Location: North Close
 Map 3 of 3 maps
Legend
 ○ Individual tree eg. T1 etc.
 [---] Group of trees
 [] Woodland eg. W1 etc.
 + Ordnance Survey National Grid Reference
 NZ 426078 532102 (point taken at
 centre of plot)
 Scale 1: 1000
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 Signed _____
 Mayor
 Authorised Signatory
 Date _____



SPECIFICATION OF TREES

Appendix b

Trees specified individually
(encircled in black on the map)

Refer to TPO 54/2008 map	Description	Location
T1	Beech	27 North Close
T2	Oak	26 North Close
T3	Sycamore	21 North Close
T4	Sycamore	21 North Close
T5	Sycamore	'Bumpy Lane'
T6	Sycamore	'Bumpy Lane'
T7	Sycamore	'Bumpy Lane'
T8	Sycamore	37 North Close
T9	Sycamore	37 North Close
T10	Sycamore	37 North Close
T11	Sycamore	36 North Close
T12	Copper Beech	40 North Close
T13	Lime	10 North Close
T14	Elm	10 North Close
T15	Lime	8 North Close
T16	Lime	7 North Close
T17	Sycamore	5 North Close
T18	Lime	4 North Close
T19	Sycamore	3 North Close
T20	Lime	2 North Close
T21	Lime	Field south of North Close Farm
T22	Lime	Field south of North Close Farm
T23	Sycamore	Field south of North Close Farm
T24	Sycamore	Field south of North Close Farm
T25	Sycamore	Woodlands 44 North Close
T26	Spruce	18 North Close
T27	Oak	18 North Close
T28	Elm	18 North Close
T29	Sycamore	18 North Close
T30	Sycamore	18 North Close
T31	Sycamore	18 North Close
T32	Sycamore	18 North Close
T33	Norway Spruce	18 North Close
T34	Larch	18 North Close
T35	Norway Maple	18 North Close
T36	Sycamore	18 North Close
T37	Sycamore	18 North Close
T38	Sycamore	18 North Close
T39	Sycamore	18 North Close
T40	Sycamore	18 North Close
T41	Sycamore	18 North Close

T42	Sycamore	18 North Close
T43	Norway Spruce	17 North Close
T44	Black Pine	17 North Close
T45	Black Pine	17 North Close
T46	Sycamore	16 North Close
T47	Sycamore	16 North Close
T48	Sycamore	Woodlands 44 North Close
T49	Sycamore	1 Ridgeside
T50	Sycamore	1 Ridgeside
T51	Sycamore	1 Ridgeside
T52	<i>Sycamore</i>	1/3 Ridgeside
T53	<i>Sycamore</i>	3 Ridgeside
T54	<i>Sycamore</i>	3 Ridgeside
T55	<i>Sycamore</i>	3 Ridgeside
T56	Ash	5 Ridgeside
T57	<i>Sycamore</i>	7 Ridgeside
T58	<i>Sycamore</i>	9 Ridgeside
T59	<i>Sycamore</i>	11 Ridgeside
T60	<i>Sycamore</i>	13 Ridgeside

Trees specified by group
(within a broken black line on the map)

<i>Reference on map</i>	<i>Description (including number of trees in the group)</i>	<i>Situation</i>
G1	6 Sycamores	'Woodlands' 44 North Close
G2	4 Sycamores	'Woodlands' 44 North Close
G3	3 Sycamores	'Woodlands' 44 North Close
G4	7 Sycamores	'Woodlands' 44 North Close

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

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
	None	

Woodlands
(within a continuous black line on the map)

<i>Refer to TPO 54/2008 map</i>	<i>Description</i>	<i>Situation</i>
W1	Mixed broadleaf and coniferous species	19 North Close
W2	Mixed broadleaf and coniferous species	North Close Farm
W3	Mixed broadleaf and coniferous species	20 North Close

DEVELOPMENT CONTROL
RECEIVED
16 APR 2003

NORTH CLOSE
KIRK MERRINGTON
SPENNYMOOR
DL16 7HQ

PLANNING DEPT. — MR RODGER LOWE.
AS RESIDENTS OF BUMPY LANE WE WOULD
BE HAPPY TO HAVE A T.P. O. APPLIED
TO HELP THE FUTURE OF OUR TREES.

J. Black
Employee
L. E. Ablett
Brian R. Ablett
S. Emerson
S. McKenna
C. Allen
[Signature]
Dodo
Jayford
M. Gordon
D. Gordon

[Signature]
[Signature]
[Signature]
V.E. Robson
[Signature]
[Signature]
[Signature]
[Signature]



Rodger Lowe
(needs acknowledgment)

18 North Close
Spennymoor
Co. Durham
DL16 7HH

Head of Planning Services
Neighbourhood Services
Sedgefield Borough Council
Council Offices
Spennymoor
DL16 6JQ

8 May 2008

Provisional Tree Preservation Order - North Close TPO 54/2008

Dear Sir,

I refer to your letter of 14 April 2008, which we received 12 April 2008, concerning the serving of the above Tree Preservation Order on our property, 18 North Close. On your maps, our property is covered by woodlands W1.

I wish to make a formal objection to this Tree Preservation Order (TPO) and the manner in which it has been delivered.

You classify most of our garden as 'woodlands'. This is not true - our garden is not and never has been, a woodland - it was, in fact, previously a quarry. Three generations of our family have lived on this property and the majority of trees within it were planted by us. My grandfather designed and created the garden from nothing. The terraces, which form part of the garden, were built by him through hard work. Also, it is not perhaps widely known that the terrace which is to the roadside of the property, was formed as a result of the council's request to widen the road through North Close. The wall, now visible behind the bus stop, was put there to retain the soil which was excavated from the widened road. And incidentally, the first oak tree behind this wall was planted by my grandmother. We have no documents referring to our garden as 'woodlands'.

It is stated that the protected trees stand at the 'gateways' to the settlement. Our property is not at the entrance to the settlement as it is within North Close. Also, we have never heard the word 'gateways' used in reference to any features within North Close.

The Regulation 3 page states that 'The large residential plots may be subject to development pressures. The trees will therefore provide design constraints for any new build helping to preserve the character of the settlement.' There are only a handful of 'large residential plots' to which this would apply and ours is obviously one of them. We take extreme objection to this discrimination. The family have lived at this property for 73 years and I think that we have managed to maintain it to a very high standard through hard work. We have not applied for any development work and the property is not for sale. So, the implication that we need to be controlled, we find insulting, presumptuous and wrong. Also, we cannot accept that you single out ours, together with only a few other properties, for this purpose. We believe this discriminates against us.

Degradation of the tree cover within recent years is noted in your letter. Our property contains many trees because we like them and because we have cultivated and managed them carefully. Strong winds and a

stony ground mean we do lose trees, but we continually re-plant in character with our setting. If there is a lack of trees in North Close, it should be noted that it is not us who have failed to maintain them but perhaps other properties who have not done anything to maintain or increase their number. Consequently, why is it that you want to penalize us for our success in maintaining a high standard? Is this not, once again, discrimination against us?

We are very unhappy about the way this whole process has been dealt with. Our property is one of the original North Close plots and our family have lived here virtually ever since the settlement started. It would have been rather more welcome if we had been consulted about the settlement, what it represents and its character before this very heavy handed order was served.

One very worrying detail to come out of this concerns support for the TPO. I have been informed that since the order was served, 20 names have come forward to say that they support it. I have since spoken with people who signed some form of document(s) and they have informed me that they were only signing in connection to a few trees in 'Bumpy Lane'. They had no idea it was affecting anything further afield, especially not private gardens like ours. In fact, it turns out that several have never seen the plans or maps. It was also mentioned by someone who had actually seen the maps, that our property contained no protected trees, which is a misunderstanding of the 'woodlands' significance. Bearing this in mind, I believe that any support, which appears to be for all the aspects of the TPO, needs to be investigated as to its integrity. I should also like to add that this whole affair, rather than promote happy neighbours, has in fact caused some friction.

Finally, we were unhappy with some of the comments made by the tree preservation officer when he visited our property. We feel they were unnecessary, insulting and unhelpful.

A garden is a balance between several continually evolving features – trees, bushes, shrubs, flowers, lawns,... and to only concentrate on one of those features can be to the detriment of the others. We have successfully managed our garden so that the trees flourish as well as the plants underneath. This means that occasionally low branches have to be removed, a task which can easily be undertaken when required. We are informed that the major part of our garden is now protected so that any work on the trees must be applied for, even if trivial. Thus presently, we are unable to treat the trees together with certain ornamental types, shrubs and bushes as we regularly do, which will obviously result in parts of the garden becoming overgrown.

We cannot see why you feel it necessary for us to apply for permission to do those regular garden jobs that we have done for years, something which will add bureaucracy to what previously was a pleasant hobby. I am sure that you would find it difficult to assure me that there will not be a financial cost to these applications in the future – which is another reason I believe this TPO to be unnecessarily overpowering when applied to a private garden. Control of our garden has effectively been removed from us and this does not sit comfortably with our rights to enjoy our own garden.

I hope that all of my objections will be taken in consideration and I trust that this TPO will be removed from those properties where it is unwanted.

Yours faithfully,



B West

Rodger/ She will phone you or Bill this afternoon. Charlie

Highfield
19 North Close
Kirk Merrington
Spennymoor DL16 7HH

7 May 2008

Glyn Hall, F.C.I.E.H.
Director of Neighbourhood Services
Sedgefield Borough Council
Council Offices
Green Lane
Spennymoor DL16 6JQ

RECEIVED

0 MAY 2008

Post bag 5756.

Dear Sir

Proposed Tree Preservation Order TPO/54/2008

I am in receipt of your letter dated 14th April 2008 serving me with a back-dated Provisional Tree Preservation Order in addition to other properties in North Close.

I wish to express my dissatisfaction that you have taken this draconian step without any form of consultation or dialogue.

I make a formal objection to this provisional order for the following reasons: -

1. O.S. Map 1 of 3 which includes my property is incorrectly drawn and is considered invalid. The map fails to mark a roadway between 19 and 20 North Close which affords the only means of access to fields behind my property. I very much doubt if you have served notice on the owner of the roadway.

This roadway is lined with trees that cannot be proven to be in my ownership as several trees are centred on boundary fences. The farmer requires regular access to the fields which entails pruning of trees to allow access for machinery, including a combine harvester. Should the trees that line the roadway be proven to be in my ownership, I do not see why I should be burdened with making submissions to prune the trees each time access is needed. Until ownership is established I consider your order is incorrect.

2. My main objection is the classification of my entire site as "woodland". This site has never been woodland, nor will it be. The site has been developed by myself and my predecessors as landscaped mature gardens ever since the site was a quarry.

My site, included in W1 Classification comprises mature lawns, a grassed tennis court and landscaped areas with perimeter trees. To classify the whole site as "woodland" is incorrect and insulting. In terms of area, there is more grassed area than trees. I suggest that you have classified my entire property as woodland because you are unwilling or unable to identify individual trees worthy of note.

3. Classification as "woodland" is all embracing and will include non-mature species, ornamental shrubs and trees planted by me over many years. This order places an onerous and unfair burden on me to seek permission each time I wish to prune my shrubs.

4. The planted area to the rear of my property contains scrub growth, not worthy of preservation. This has been developed by me as a wildlife area and wind protection. My property is battered by north winds which have uprooted trees due to the shallow roots caused by the site being a former quarry. No thought has been made by you as to the history of the site or the nature of the planting.

I can see no reasons for a T.P.O. as I, and my predecessors have always managed the trees well. On average I lose 3.4 trees per annum through pollution and wind damage but I re-plant 5 trees per annum which has contributed to the extent of trees that now exist, and for which you seek to take into "public ownership". This site is my home and garden, not a public amenity. I consider that I can continue to manage my property well, without needless beaurocracy.

Your order gives a reason as being due to a steady degradation of tree cover within recent years. I challenge you to prove this statement. Trees are lost due to poor soil condition, shallow planting, and pollution and wind damage. Your authority seeks to distance itself from proving the nature of the ground and external influences prior to making unfounded statements.

5. I am extremely concerned at the "selective" nature of your order where several properties, each containing trees worthy of retention, are excluded. This concern also includes trees outside the curtilage of my property and others. I suggest, therefore, that I am being discriminated against. You may wish to explain your reasons as to why there are such omissions from your order.

Your order gives one of the reasons as that the protected trees stand at the "gateways" are main corridors through he settlement yet selective properties and trees are excluded from your order.

6. Should this provisional order be confirmed I consider that my asset will be financially compromised as any development could be put at risk. I would then seek financial compensation from your authority.

Finally, I consider the manner in which you have handled this exercise is not worthy. All you have achieved, so far, is to pit neighbour against neighbour due to rumours abounding as to whom instigated this initiative. This community has been, previously, a happy community and many years of good relations are now shattered. The residents of North Close have looked after their properties without council interference and my best advice is to leave well alone so that wounds can heal.

I sincerely trust that all of my objections will be made known to the members when they consider the proposal.

Should the order be confirmed, I will make further appeals, however, I trust this can be resolved without further acrimony.

Yours faithfully



K Marley

44 North Close
Kirk Merrington
County Durham
DL16 7HH

C.F.G.Walter
Head of Planning Services
Neighbourhood Services
Sedgefield Borough Council
Council Offices
Spennymoor
DL16 6JQ

9th
10th May 2008

Ah
Dear Sir/Madam,

CONTROL
09 MAY 2008

Re: Tree Preservation Order North Close. (TPO54/2008)

I write to register my objection regarding the above Tree Order. My objection to the order is based upon the following points;

An order to protect the trees is unnecessary, they have stood here for 50-70 years with the protection of individual property owners who have a vested interest in keeping the environment of North Close attractive for those living in the immediate area and those who pass through it.

Our family moved into 44 North Close in May 2006 and within the building survey it was highlighted that a number of the Sycamores and an Ash in the tree line in question were over hanging the roof, diseased and should be removed as soon as possible as they were in danger of damaging the property and leaf litter was causing extreme problems within the guttering. To ensure that the trees could be preserved and the work was carried out safely, we employed Olivers Tree Services Ltd (an established approved contractor) in September 2006 to undertake an inspection of the trees within W3. At this time the following was noted:

- The trees were approx 50-70 years old
- Individual trees were not significant specimens of any note.
- The overall tree canopy was not particularly attractive due to the multi trunk nature of the specimens
- A number of trees needed to have branches removed due as they over hung the property.
- Two trees may need to be removed due to disease.

Although it was disappointing to find that trees we appreciate and value were not particularly interesting specimens, we were and continue to be determined that the trees should not be removed or disturbed in any way as long as they are not a danger to people or our property. As a result One Ash was felled

and a number of sycamores had branches removed to safe guard the property and a smaller sycamore would be removed at a later date as it was diseased and would not affect the tree line or canopy. The total cost was £616

This previous action clearly demonstrates our ability to manage the trees within our own property appropriately and our commitment to ensure the environment remains unspoilt. We do not require the Borough Council and soon the new unitary authority to dictate how and what we do within property. We are more than able to make the right decisions to ensure we sustain an environment that all can enjoy. The need to ask permission to carry out basic tasks is unreasonable.

I was informed that basic pruning of branches below head height would require permission if an order is placed. Such action is clearly a waste of the Borough limited resources and reduces our ability to undertake common sense garden husbandry.

The placing of a woodland order W3 within my property greatly restricts our ability to develop the garden or take any steps to improve the overall character of the property. During a visit from Mr R Lowe I was informed that if I wanted to remove any shrubs or other flowering trees planted after the 11th April I would require permission to remove them. This is a total infringement of my rights to carryout basic activities within my property.

I was dismayed to hear that the placing of the order was instigated through residents concern over the possible wholesale felling of trees by the electricity supplier NREB. At that time my wife and I did sign a petition to stop the NREB from felling trees without some consultation with local residents. Our agreement to sign the petition was purely based on the loss of those trees and the use of the petition for other purposes would be fraudulent. Until 2nd May 2008 we also owned a property that at Ridgeside, North Close. At no point has this property been approached concerning the preservation of trees by concerned residents.

Within the order it states that there has been a steady degradation of tree cover in North Close, living in the local area for 17 years, I am unaware of this degradation and from the aerial photographs (which he acknowledged were old and out of date) that Mr Lowe was using for reference on the day I invited him to my property I could see little or any loss of tree cover within the area of my property.

The order states that the trees stand at "the gateways" & main road corridors of which my property does neither. As W3 runs at right angles to the B6289 and Ridgeside and the "Bumpy Lane" are between our property and the B6288. The term gateway and main road corridor is inaccurate as the majority of the properties in North Close are situated on the NE to SW axis adjacent to the B6288 and unfortunately the NREB have been able to lop all of the trees along the B6288.

The use of a woodland order is totally unnecessary when examining issues surrounding a number of bunched groups of sycamore and rowan trees within a domestic garden. The use of such approach is not best practice in relation to the Town and Country Planning Act 1999.

I was concerned that the Borough Council has placed an order affecting my property based upon the need to stop possible future developments in the area. We have never considered developing on our property. As W3 covers the majority of my garden I would be grateful if you could inform me of any developments that have been made which may affect my property, as I am unaware of any at this time.

I would also be grateful if you could advise me of which section of the Town and Country Act 1990/1999 states that the Borough Council has the right to place orders on Trees purely to prevent possible planning applications. I understand that the act gives the Council power to place protection orders on trees following an application to safe guard the character and environment of an area, but I was unaware that the act gave the council specific power to protect trees pre application, such action in reality is to place orders on trees to stop future developments, not the protection of the trees.

We are extremely concerned that this order was placed on our property without any consultation; such an order gives the council unnecessary power over basic activities within our property. Such an order also assumes that we are unable and lack the ability to take sensible common sense decisions concerning our environment and that which may affect our neighbours.

We strongly object to the Order TPO 54/2008, W3 and T25. I would grateful for a speedy response to the questions I have raised as to validity of the Borough Councils actions relating to the placing of the order to constrain possible future developments in the area.

Can you please ensure that we are informed of the date of the planning committee meeting as we are keen to voice our concerns directly to members.

Yours faithfully,



Mrs A E English

RECEIVED

09 MAY 2008

Post Log 5758
ACK'D VMS.

Mr & Mrs J Davies
21 North Close
Kirk Merrington
Spennymoor
Co Durham
DL16 7HH

7 May 2008

Glyn Hall
Director of Neighbourhood Services
Council Offices
Spennymoor
Co Durham
DL16 6JQ

FAO Rodger Lowe

Dear Sir

**SERVING OF A TREE PRESERVATION ORDER AT
NORTH CLOSE**

I refer to your letter (ref: RVL/TP054/2008) dated 14 April 2008, and wish to strongly object to this Tree Preservation Order.

The trees in question, being indicated as T3 and T4 upon your Ordnance Survey Plan dated 11 April 2008, are located upon my land and have been under my care and protection for the past 24 year, without any form of assistance or even guidance from yourselves.

Whilst I have no intention, at present, to do anything other than continue to protect these trees, I do most strongly object to the serving of this Preservation Order, which effectively imposes restrictions on the development of the property/land which did not form part of the deeds/purchase agreement made with myself in 1984.

I therefore request that the Preservation Order (which you state is provisional at present) be removed from these trees (drawing index Nos T3 and T4), located upon my property.

Yours faithfully,

8 May 2008
Ref No SBC/RVL/54/2008 Spennymoor
DL16 6JQ

Council Offices

Dear Sir/Madam

DEVELOPMENT CONTROL
RECEIVED

09 MAY 2008

I am objecting to
the said preservation order
made on my property that
you have said is Wood 2.

The joint point is this
that North Close Farm is a farm
with a holding number and is
not classed as residential and
is under the authority of
Depra.

There has been no
consultation with any of the
residents as to whether the
owners wanted these preservation
orders on these trees.

The manner in which the
council has gone about this is
completely wrong.

Yours Sincerely

[Redacted]
North Close Farm
Spennymoor
Co. Durham
PL 16 7HH

PFTS

RECEIVED

09 MAY 2008

Post Log 5752

37, North Close,

Spennymoor,

Co. Durham

DL16 7HH.

11th, May, 2008.

Dear Sir,

Relating to the above property, we would like to express our concerns against the preservation order relating to trees T5 - T11.

We acknowledge that trees T5, 6, 7 and 11 are not actually on our property, but they do, however, encroach on our garden, via over-hanging branches. Having spent a substantial sum of money improving the garden, we feel the need to responsibly care for the land we own by being able to prune the over-hanging growth as necessary. We do not wish to see the removal of these trees, but do require the ability to prune them as necessary. The proximity of trees T5 - T7 to electric wires overhead are also of a serious concern to the safety of our property.

With regard to trees T8, 9 and 10, which are on our property, we would also like to express our concern over this preservation order. The council appears to currently offer no up-keep on these trees, and, with regard to the very high-winds experienced over the last twelve months, we would like to express our concerns over their safety. I would need the Council to accept liability for any damage the trees may cause either

our own or neighbouring properties.

As a concerned and responsible owner and
care of this address I express my concerns
and would welcome a response from yourselves
on this matter.

Yours faithfully,

M. [REDACTED]

We acknowledge that trees T5, 6, 7 and 11 are not
actually on our property, but may do, however, encroach
on our garden, via over-hanging branches. Having spent
a substantial sum of money improving the garden, we
feel the need to responsibly care for the land just
by being able to prune the over-hanging growth as
necessary. We do not wish to see the removal of these
trees, but do require the ability to prune them as
necessary. The proximity of trees T5-T7 to electric
wires overhead are also of a serious concern to the
safety of our property.

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our property, we would also like to express our concern
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currently offer no up-keep on these trees, and, with
regard to the very high-winds experienced over the last
twelve months, we would like to express our concerns
over their safety. I would need the Council to accept
liability for any damage the trees may cause either

Mr G Slater
15 North Close
Kirk Merrington
Co Durham
DL16 7HH

DEVELOPMENT CONTROL
RECEIVED

21 MAY 2008

17 May 2008

Ref: SBC/RVL/TPO54

Attn Rodger Lowe

Dear Sir

I am in receipt of your letter of 14 May 2008 and re-affirm my objection to the application of Tree preservation orders to the trees identified as T40 through to T47.

With the exception of T43,44,45 these are all sycamore trees

None of the trees identified T40-47 are identified as local trees to the Spennymoor postcode area of DL16 as found on the Natural History Museum website

My research has shown that all these types of trees are best suited to parkland or woodland where they can be allowed to grow to their full maturity and not residential gardens

All of these trees grow in excess of 100 ft at the rate of between 2-3 feet per year and in the case of the sycamores can spread the same and are not suited to residential gardens

The Royal Forestry of England website describes the Sycamore as an invasive and controversial tree "which some conservation bodies try to eradicate where it threatens to take over remnant ancient woodlands". A list of trees local to the Spennymoor area can be found on the Natural History Museum website. Furthermore it has been established that native trees provide a more suitable habitat for local fauna than alien species

You refer to the mature trees to the North of my garden providing a very low horizon silhouette however I am more concerned with the trees to the south of my garden identified as T40-47. As my garden is substantially below the ground level of these trees, their height is correspondingly increased. These trees which currently range in size from between approximately 30-60 feet will continue to grow and expand to over 100 feet at the rate of 2-3 feet per year.

In relation to winter sun, the height of the sun does not rise above the top of the trees identified, and accordingly we get very little winter sun on our garden

Yours Faithfully

G Slater

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