

PLANNING COMMITTEE

Wednesday 2nd April 2008

**Tree Preservation Order
6 Front Street (Central Buildings), Staindrop**

A provisional Tree Preservation Order was made on 31st October 2007 for two individual trees located to the side/rear of 6 Front Street (The Shambles), Staindrop. There are two trees subject to this order, one a semi mature plum tree and the other a mature multi stemmed willow tree.

A provisional Tree Preservation Order can be made under delegated authority. A Provisional Order lasts for 6 months. If this Order is to remain in force beyond 31st April 2008 it must be confirmed by the Planning Committee.

REPRESENTATIONS:

The Tree Preservation Order was served on the landowners where the trees are growing and any affected adjoining land owners. Two letters have been received; one from the occupier of The Shambles and one from the owner of Melrose Cottage (Central Buildings), who have each submitted a statement along with a single letter from 'Glyn H. Robinson Associates Ltd. – Consulting Civil & Structural Engineers. It is purported that T2 (Willow) is causing damage and has the potential to cause further damage to the adjacent property the Shambles. An area of hardstanding to the South of the Shambles, has also suffered some disturbance and a 6 inch step has appeared within it. It has therefore been recommended that this tree should be removed as soon as possible.

PLANNING POLICY:

Policy ENV3	Area of High Landscape Value
Policy ENV11	Tree Preservation Orders

PLANNING CONSIDERATIONS:

The applicant initially served a 211 notice on the council to fell the trees subject to this tree preservation order. This notice gives the council 6 weeks in which to either allow the works to be carried out or serve a preservation order on the trees. As there was insufficient evidence submitted to justify the felling of these trees, the council served a provisional tree preservation order. The provisional tree preservation order lasts for six months, in which time, the applicant may submit further information to support their case to fell the tree and prevent the order from being confirmed. The only further documentation which has been received is a letter from the applicant and the owner of a neighbouring property, along with a letter from a civil/structural engineer. This was deemed insufficient and failed to properly assess the damage or potential damage from the trees.

AGENDA ITEM NO. 5

The trees included in the Provisional Order have been surveyed by Durham County Council's Arboricultural Officer. He advises that T1 (Plum tree) is *"A small compact, untidy semi mature tree with unbalanced crown. The tree crown is causing an actionable nuisance with the building"*. He recommends the tree is retained, that it is pruned to clean out and tidy the crown and the crown is pruned to reduce its height to the east and west by one third to balance and abate the actionable nuisance. He goes on to say that the tree should be covered by a tree preservation order.

T2 (Willow) which is the larger of the two trees has been described by the Arboriculturalist as a *"..healthy multi-stemmed tree with open well balanced crown, the most valuable of the group. There is evidence of root disturbance due to the size and longevity of the tree, however in my opinion the disturbance is minimal. Under normal circumstances trees are exempt from legislation in order to abate an actionable nuisance. However in my opinion it remains to be proved that the tree is causing an actionable nuisance to the building. It would be prudent for the applicant to submit the relevant structural engineers report highlighting damage to the property. The offending root to the outer yard could be removed without being detrimental to the tree."*

He goes on to recommend that the tree be protected with a Tree Preservation Order and the crown be tidied up through pruning work (not large limb removal).

The trees appear to be enhancing the area as a group. However they are poorly maintained, dishevelled and suppress the property. Partial removal and pruning of retained trees will open up and enhance the area. Both trees subject to this order are of a high amenity, environmental and aesthetic value and therefore worthy of protection.

The Arboriculturalist also advises that willow trees have a high water demand, total tree removal may cause heave due to excessive moisture.

The trees appear from visual inspection to be of sound quality and in general good health. Although some works are recommended to the trees in order to improve their appearance and reduce any disturbance to the adjacent building. The trees should be protected for their own special amenity value and their contribution to the setting of the village.

It is considered expedient to preserve these trees due to their contribution to amenity, and in light of the owners intention to fell them. It is acknowledged that the owners of the adjacent properties are concerned that the trees (particularly the willow) are causing damage to the property and have the potential to cause further damage. However they have failed to provide a full structural report to conform that this is the case. The Arboriculturalist has advised that the disturbance from the trees is minimal and that the applicant has failed to prove they are causing an actionable nuisance. He has also indicated that it may be possible to remove the offending root to the outer yard without detriment to the tree.

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The making of a Tree Preservation Order (TPO) would allow the local planning authority to have control over any future works to the trees. Should appropriate justification be submitted with any subsequent formal application to carry out works to fell the above trees, then such works may be acceptable though at the present time that justification does not exist.

RECOMMENDED: That the Tree Preservation Order be confirmed.