

# PLANNING COMMITTEE

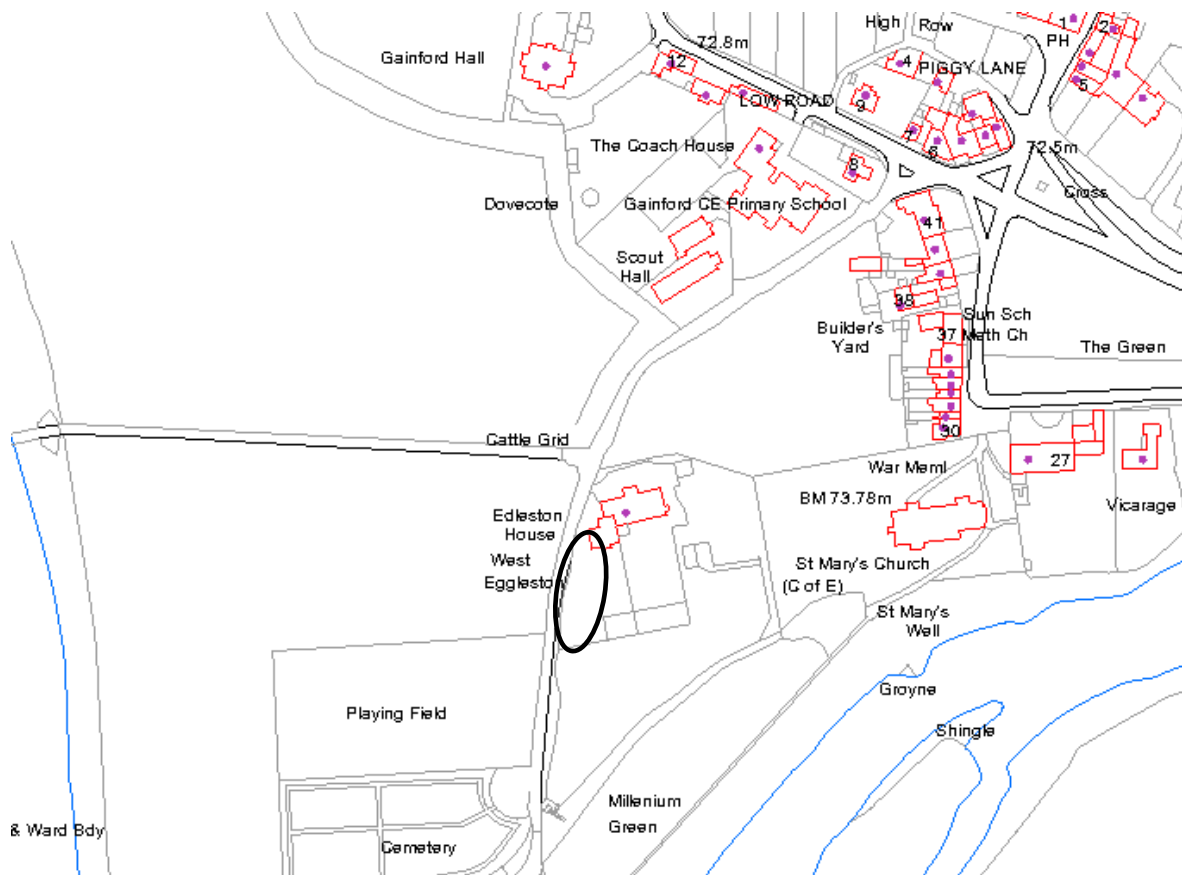
Wednesday 6<sup>th</sup> August 2008

## Tree Preservation Order Edleston House West, Gainford

Members will recall that this application was deferred at their planning committee meeting on the 9<sup>th</sup> July 2008. The officer's recommendation remains the same and Members should now be in a position to determine the application.

A provisional Tree Preservation Order (TPO) was made on 19 February 2008 for nine individual trees located to the side/rear of Edleston House West. There are nine trees subject to this order, two Hollies, four Yew, one English Oak, one Sycamore and one Sycamore Spruce.

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 19<sup>th</sup> August 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. Seventeen letters have been received; one from the occupier of Edleston House West and 16 from various residents of Gainford and the surrounding area. The occupiers of the property have submitted an objection to the proposed Order. They have included a statement from Homeserve regarding previous drain works carried out on the property. It is purported that T1 (Holly) and an associated Elderberry, that does not form part of

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this Order are causing damage, and have the potential to cause further damage to the drain's that run to the side of the property.

The further 16 letters received are all in support of the proposed TPO for reasons such as the amenity and environmental quality of the area and trees. Also the habitat the trees provide in a riverside location for wildlife is mentioned several times.

**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, which are the subject of this Tree Preservation Order, as the site is within the Gainford Conservation Area. 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 applicant and occupier of the house submitted a further schedule of reasons in response to the initial Council arboriculturalist report and a survey report for the blocked drains. This was deemed insufficient and failed to properly assess the damage or potential damage from the trees.

The trees included in the Provisional Order have been surveyed by Durham County Council's Arboricultural Officer. This was undertaken within the 6 week period from receiving the initial 211 notice from the applicant

There are a total of nineteen trees of various levels of maturity and quality which were all assessed as part of the initial application. The numbering used in this report refers to the original number attributed to each tree. After thorough surveying carried out by the Council's arboriculturalist it was concluded that nine of the trees were worthy of retention. The Council's arboricultural report also suggests possible work that could be applied for which could enhance the trees further. Further detailed recommendations are made regarding the trees which were not deemed worthy of retention but which could be followed up.

He advises that T1 (Holly) and associated Elderberry are *"mature small trees intrusive to the property due to minimal management."* He recommends the Holly tree is retained, that the Elderberry is removed and the stump treated and finally that the Holly is reduced by 50% in height and spread. He goes on to recommend that the Holly tree should be covered by a Tree Preservation Order.

T2, T3, T4 and T5 (Yew) which are described by the Arboriculturalist as *"...specimen trees becoming too large for their positions due to lack of maintenance"*. He then follows by adding that *"Trees 1,2,3,4,&5 are well established and if reduced and clipped at a reasonable height and shape (Topiary) 3 to 4 trees possibly cone shape will enhance the site and retain environmental value and give balance to the*

*garden*". He goes on to recommend that the trees be protected by a Tree Preservation Order.

T10 (Holly) is worthy of being protected and is described as "*spindly young re-growth taking over due to lack of maintenance*". It is recommended to "*consider pruning hard back to 1 metre allow to grow and keep clipped*".

T9 (Oak) is described as "*a large specimen senescent tree of value to the amenity and environment, the crown is top heavy and dangerous due to the removal (long standing) of a major limb at 1 metre*". It is recommended that the tree is pruned to reduce the upper crown weight by 25% and that the tree is monitored. Also that the tree is protected with a TPO.

T11 (Sycamore) is a mature tree of high aesthetic and amenity value. Recommendation is made that minimal pruning is carried out to remove dead wood and clean the crown. The tree should be retained at its present height and protected by a TPO.

The final tree worthy of retention is T19 (Norway Spruce) which is described as "*A specimen tree with a well balanced healthy crown.*" It is recommended that the tree is retained with minimal pruning to raise the crown which could be one whirl of branches. It is reported that "*structural movement is minimal and does not at the moment warrant a valid reason to fell a tree*".

The arboricultural officer advises that the trees appear to be enhancing the area as a group. However they are poorly maintained, dishevelled and suppress the property. Partial removal and removal of some trees and pruning of retained trees will open up and enhance the area. All trees subject to this order are of a high amenity, environmental and aesthetic value and therefore worthy of protection which has been further clarified by the level of support for this TPO from the local community.

Overall, 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.

The arboriculturalist asks the question in conclusion "*why remove spruce, yew to replant with spruce, yew...to purchase plants of this type and quality will cost approximately £2000 to £3000.*"

In response to the further information submitted by the applicants regarding damage to drains, the Arboriculturalist states that "*tree roots will only enter into a damaged drain, the drains are probably very old salt glazed with regular joints. The submitted drainage report does not state that tree roots were the cause of the damage to the drains with no recommendations given*". In this case the information submitted was insufficient to justify the removal of the Holly Tree (T1).

The making of a Tree Preservation Order 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. At the present time that justification does not exist.

**RECOMMENDED:** That the Tree Preservation Order be confirmed.

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