

Parish: Great Ayton

Ward: Great Ayton

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Committee date: 14 November 2019

Officer dealing: Mrs Angela Sunley

Target date: 5 March 2020

19/00009/TPO2

Confirmation of Tree Preservation Order 2019/No.9

At 100 Guisborough Road, Great Ayton, North Yorkshire, TS9 6QJ

The report is brought to Planning Committee as an objection has been made to the Order

1.0 SITE, CONTEXT AND PROPOSAL

1.1 This report considers the case for the confirmation of Tree Preservation Order (TPO) 19/00009/TPO2.

1.2 A member of the public submitted a request to place TPO's on trees within the garden areas of 100 and 102 Guisborough Road, Great Ayton. The individual considered that it is of a great importance that mature Oak trees like these are retained and preserved through this protective legislation. They stated that the trees are a feature of this area, visible to a wide audience and contribute significantly to the amenity value of the area, since they lie on one of the main roads into the village.

1.3 There were no observations in regards to the tree within the garden of 102 Guisborough Road, and as such a Tree Preservation Order for that tree has been confirmed. However, observations were received in regards to the placing of a TPO on the tree at 100 Guisborough Road and as such the application is being brought to Committee to determine.

1.4 The Oak tree stands in the front garden of the dwelling at 100 Guisborough Road. The tree stands adjacent to a public footpath and a highway and is visible from public view points along the road frontage.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

2.1 There is no relevant planning or enforcement history although as noted a Tree Preservation Order has been confirmed on a tree at the adjacent property.

3.0 RELEVANT PLANNING POLICIES

3.1 The relevant policies are:

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Development Policy DP28 – Conservation
National Planning Policy Framework

4.0 CONSULTATIONS

4.1 Representations - Two objections have been received, 1 from the owners of the dwelling at 100 Guisborough Road and the neighbouring property at 102. The comments are summarised as follows:

- Owner of tree at 100 Guisborough Road: A tree surgeon inspected the tree on 13 September 2019. On inspection they found the tree to be diseased, suffering from Beef Steak Fungus (*Fistulina hepatica*). The tree surgeon advised the tree would last

around 10-15 years if maintained and managed appropriately. The tree surgeon felt a tree with such a disease should not be subject to a TPO, therefore we wish to formally object to the TPO, so we can manage the tree whilst not posing a danger to our property, our neighbour's property and the surrounding area.

- Neighbouring property at 102 Guisborough Road – The tree has been identified as being diseased by a tree surgeon. He has advised that the tree may potentially cause structural damage to both properties. We would therefore like to oppose the proposal.

5.0 ANALYSIS

- 5.1 The purpose of a tree preservation order is to protect trees which are deemed to be of significant amenity benefit to the local surroundings especially if they are in immediate risk of removal.
- 5.2 At this present time the tree does not appear to be in direct risk of removal, although it is clear from representations that the owner considers that the tree may need removal in the near future owing to its apparent health issues. The tree prominent in views from Guisborough Road and the public footpath and makes a positive contribution towards the character, appearance and amenity of the wider area.
- 5.3 The observations received state that a tree surgeon inspected the tree and found the tree to be diseased and that the tree may potentially cause structural damage to both properties within this area. No Arborist or structural report has been submitted to the Council to substantiate these concerns. The occupier of 100 Guisborough Road was contacted and asked if they would like to submit the tree report to the Council, so that it could be taken into consideration. At the time of writing this report, no further information has been submitted.
- 5.4 A site visit was undertaken and there was evidence of some degree of disease on this tree. However, taking into consideration the observations from the occupier which states that, "if the tree is maintained and managed appropriately, the tree would last around 10-15 years", it is considered reasonable to confirm the TPO to ensure that any proposed maintenance work undertaken on this tree would be carried out in accordance with British Standard 3998 (Tree Work) by the owner of the property, thus ensuring its amenity benefit in the longer term.
- 5.5 If the Oak tree was to be felled or maintained inappropriately, this would have a detrimental impact on the amenity of the area. The Oak tree contributes to the amenity of the area and is considered to be a valuable asset. The tree is a prominent feature within this locality and makes a positive contribution toward the character and appearance of the street scene and the wider area.

6.0 CONCLUSION AND RECOMMENDATION

- 6.1 It is considered that the tree contributes positively toward the amenity, character and appearance of the area.
- 6.2 It is therefore recommended that TPO 2019/No.9 Order **be confirmed**.