

North York Moors National Park Authority Planning Committee

20 July 2017

Tree Preservation Order 2017/1 – Trees on land adjacent 136 Aldenham Road, Guisborough

<p>1. Purpose of the Report</p>
--

<p>1.1 To seek Members' approval to confirm Tree Preservation Order 2017/1.</p>

2. **Background**

2.1 A Tree Preservation Order (TPO) was made on 1 March 2017 relating to an area of trees on land adjacent 136 Aldenham Road, Guisborough. This order took provisional effect from the date it was made and requires to be confirmed within 6 months. The protected trees are specified as an area and therefore the Authority can take any of the following two actions;

- Not confirm
- Confirm with a modification to specify as individual trees.

A plan showing the location of the 8 individual trees is reproduced in **Appendix 1**.

2.2 The trees are located on a triangular parcel of land to the west of 136 Aldenham Road. The parcel formed part of the original landscaping for Kemplah Park and has subsequently been acquired by the private owner of 136 Aldenham Road and incorporated into the garden. The trees are clearly visible and form part of the frontage to the road. The area is also adjacent to the old railway line which acts as a defined boundary to the Kemplah Park Estate.

2.3 The decision to authorise a provisional order was originally made by members at Planning Committee on 15 September 2016. Prior to this a planning application that would have led to the removal of some of the trees had been refused, partially on the grounds of tree loss. The planning application was subsequently taken to appeal but this was dismissed. The Inspector cited the trees as an important consideration in his decision.

2.4 The trees have been assessed as worthy of a Tree Preservation Order in an amenity assessment conducted by the Woodland Officer.

3. **Site Details**

3.1 There are four ash trees and four purple form acers located in the parcel which is within the current curtilage of 136 Aldenham Road. All the trees are classified as early mature, and in combination with adjacent trees they form a small woodland which from a planning perspective is deemed important to the character of the area, site setting, and helps to soften the approach to the housing development. The trees in question make up the north west corner of the Estate and act as an important undeveloped 'buffer zone' on the National Park boundary as a transitional 'green space' between the old railway line and the new housing.

3.2 The Tree Evaluation Method for Preservation Orders (TEMPO) was followed and a survey data sheet completed. The score was 15 where a score of 12 to 15 indicates a TPO is defensible and a score of 16 or more definitely merits a TPO. Photographs of the trees from various viewpoints are reproduced in **Appendix 2**.

4. Objections and Representations

4.1 The public have 28 days to comment on new Orders, which are publicised in accordance with Authority procedures and the TPO regulations. Objections and representations must be taken into account by planning authorities before they decide whether or not to confirm an order, or whether or not to modify it upon confirmation.

4.2 There have been no responses received in regard to this TPO.

5. Comment

5.1 Individually the trees present do not have a high amenity value. It is their collective value in forming a small woodland on the edge of the development that is significant. This consideration was also acknowledged in the appeal decision where the inspector commented that "The site is populated by several mature trees that, whilst forming a small group, complement the larger area of woodland nearby. The appeal site forms a buffer on the boundary of the National Park, between the built up residential area and public open space" adding, "The removal of most of the mature trees in the site would also detract from the character and appearance of the area".

5.2 In the period between the authorisation and serving of the Order tree surgery work was carried out on all but one of the trees reducing their height. Although this work has resulted in some diminishment to their amenity value, the confirmation of the order is still recommended. The long term retention of tree cover at the location is the objective, rather than the protection of individual trees. This will most usefully be enforced by consenting to the removal and replacement of poorer quality trees through the consent procedure as and when required.

6. Financial and Staffing Implications

6.1 None.

7. Contribution to National Park Management Plan

7.1 The relevant Management Plan policies are:

- E40. Individual and groups of trees that are of amenity and conservation value will be protected and new tree planting will be encouraged, where appropriate.

8. Legal Implications

8.1 An authority cannot confirm an Order unless they have first considered any duly made objections or other representations.

8.2 The legislation provides no right of appeal to the Secretary of State against an authority either making or confirming an Order.

8.3 The validity of an Order cannot be challenged in any legal proceedings except by way of application to the High Court on a point of law.

9. **Recommendation**

- 9.1 That Tree Preservation Order 2017/1 – Trees on land adjacent 136 Aldenham Road, Guisborough is confirmed with modification to specify eight individual trees as marked on the plan in **Appendix 1**.

Contact Officer

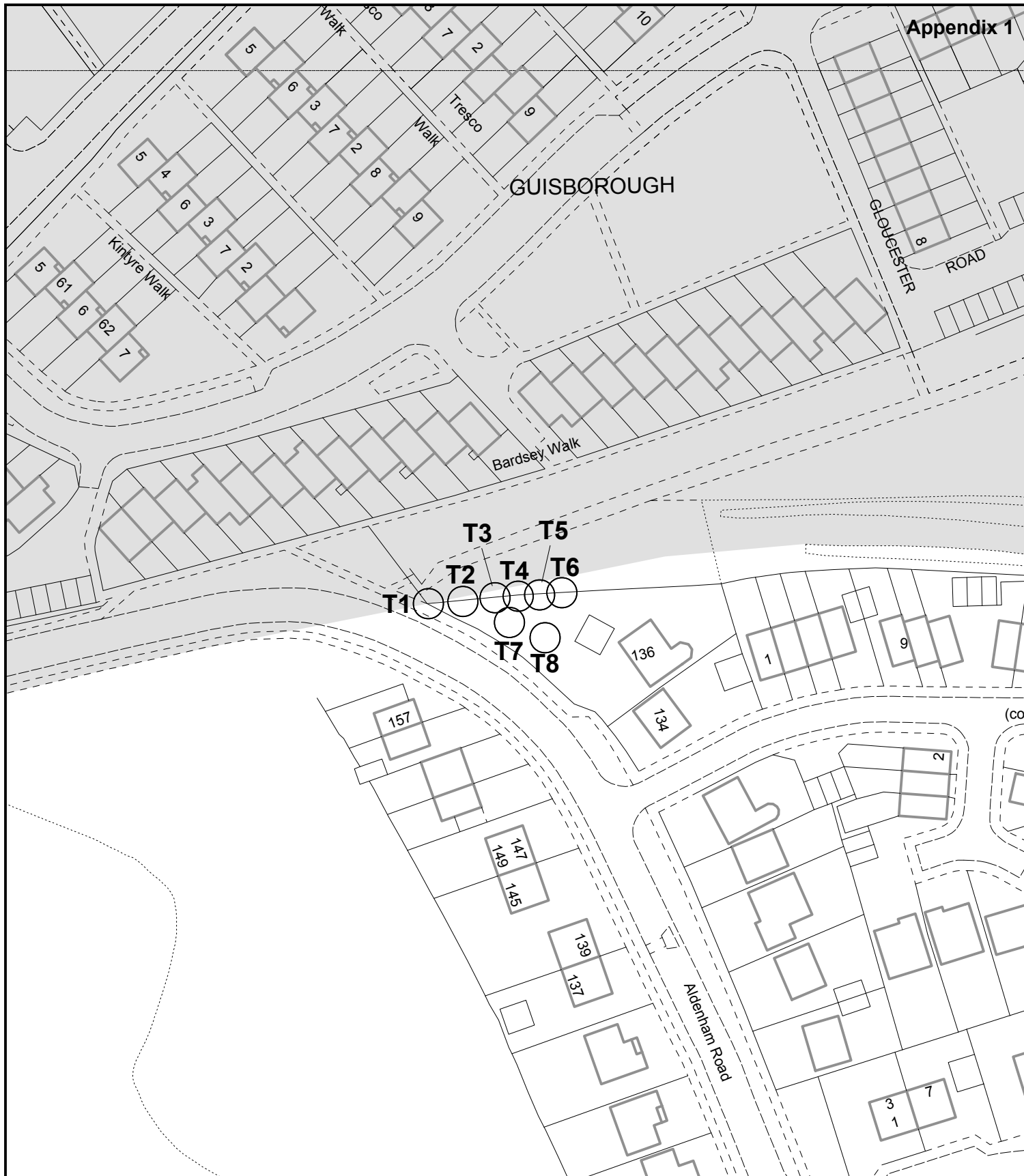
Mark Antcliff
Woodland Officer

01439 772700

Background papers to this Report

File ref

None



A. Wilson
 Chief Executive
 (National Park Officer)
 The Old Vicarage
 Bondgate
 Helmsley
 York
 YO62 5BP

**North York Moors
 National Park Authority**

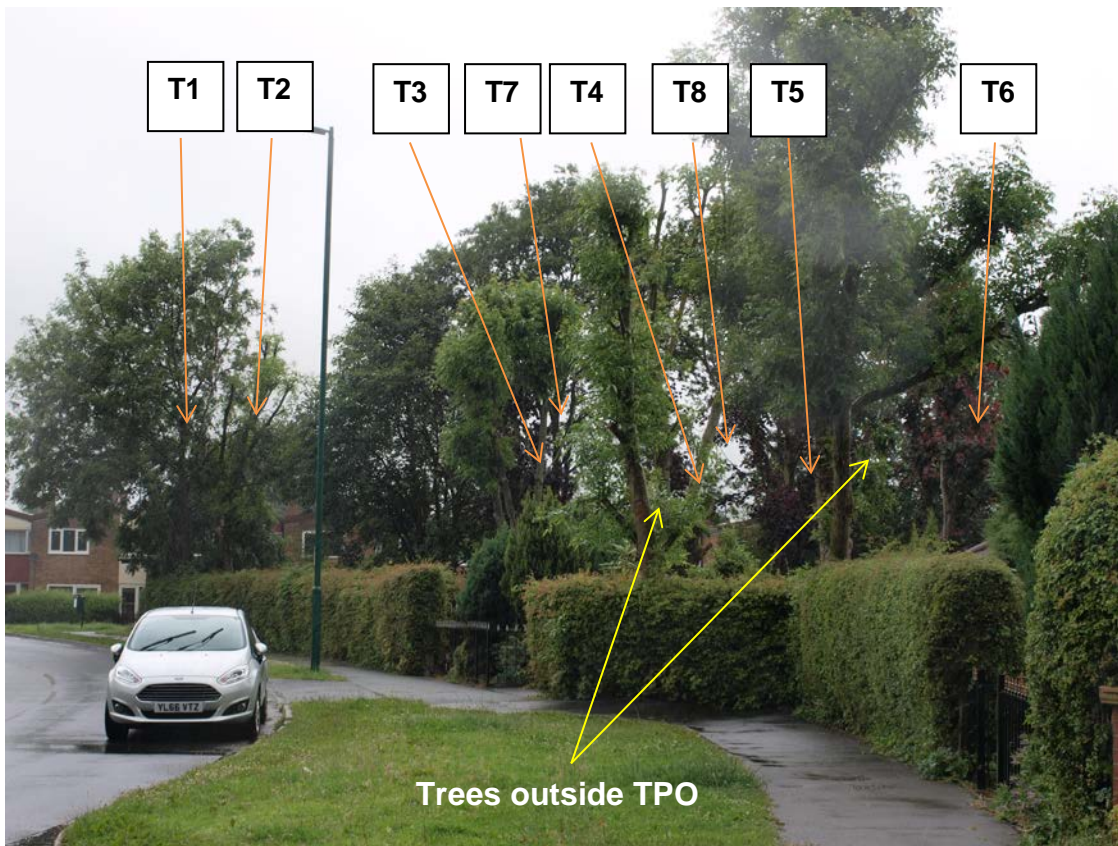
TREE PRESERVATION
 ORDER.

No. **2017/1**

Chief Executive
 (National Park
 Officer)

© Crown copyright and database rights 2017
 You are not permitted to copy, sub-license, distribute
 or sell any of this data to third parties in any form.

North York Moors National Park Authority
 Ordnance Survey 100021930



The two trees in the foreground are in the original front garden of 136 Aldenham Road and are excluded from the Order.



Several trees outside garden are excluded from TPO as not considered under threat.