

**HIGH PEAK BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE**

22nd February 2021

TREE PRESERVATION ORDER AT Eton House and Carlisle House Broad Walk Buxton (295)

1. REASON

For the members to consider the objections raised to the above temporary Tree Preservation Order made in respect of 4 trees on the boundary between Eton House and Carlisle House Broad Walk Buxton decide whether the order should be confirmed and made permanent.

2. SUMMARY

A TPO was made on 16th September 2020 in response to a Conservation Area notification of the intention to fell 2 trees (ref 2330). The reason given was they have been implicated in damage to Eton House 22 Broad Walk, Buxton. The evidence provided to substantiate this claim was inconclusive and does not support the removal of the trees. Further information was requested but was not forthcoming. Three objections to the order were received which are considered in this report.

3. RECOMMENDED

- i) The Committee confirms the Tree Preservation Order for reasons given at 5 (i) a-b notwithstanding the objections raised. The objectors and original applicants are advised on the next course of action.

4. BACKGROUND

- i) The trees are located on the boundary between Eton House and Carlisle House on the Broad Walk. They are mature trees within the Buxton Park Conservation Area and contribute to its landscape setting. A Location plan is provided as supporting Document 1
- ii) Damage to Flat 2 Eton House 22 Broad Walk was reported to insurers in 2018. Investigations were undertaken including site investigations, a structural assessment and an arboricultural appraisal report. Copies of these reports and the original notification are available as supporting documents 2- 5
- iii) The reports provided concluded that the damage was due to subsidence damaged cause by moisture abstraction by nearby vegetation and recommendations were made to fell 2 trees (TPO

T1 and T2). Although some ambiguity in the report suggests that third tree is also recommended for removal.

- iv) An assessment of the submitted reports was made and the Notification was acknowledged. The applicant, MWA Arboriculture Ltd was advised of the assessment and asked for additional information. Supporting Document 6
- v) The main issues were that roots were identified below the foundations but not from the trees in question, the soil below the foundations was not desiccated. Other possible causes such as drains hadn't been fully investigated. The damage to the property is classed as BRE 2 which is described as slight or very slight: and can be regarded as 'aesthetic' issues that require only redecoration.
- vi) No further communications or information was provided by the applicant. Based on the information provided it was concluded that felling wasn't justified so consideration was given to making a Tree Preservation Order.
- vii) An assessment of the trees and their amenity was made by the Arboricultural Officer in September 2020 (Supporting Document 7) and using the Council's procedure for making Tree Preservation Orders. It was concluded that it was appropriate to make a Tree Preservation Order in respect of the trees as It is expedient in the interests of amenity and the trees are under potential threat of harm or removal. It was considered appropriate to include all the mature trees on the boundary for consistency
- viii) The Tree Preservation Order was made on 16th September 2020 and served on the owners of the trees and their agents (Supporting Document 8).
- ix) 3 formal objections to the Order were received from the owners of 23 and 22 Broad Walk and one leaseholder Copies of these are attached as (Supporting Documents 9-11) . No objection was received from the original Applicant or their clients the insurance company

5. ISSUES AND OPTIONS

- i) Reasons for making the order.
 - a. It is expedient in the interests of amenity
 - b. The trees are of high amenity

- c. The trees are under threat of removal
- ii) Summary of objections raised by Julia Lisser Carlisle House 23 BroadWalk
 - a. Damage to Drains
 - b. Damage to the property from the tree canopy
 - c. Risk of injury
 - d. Amenity
- iii) Summary of objections raised by M Grieg Eton House 22 Broad Walk
 - a. The tree is inappropriate for the location
 - b. Amenity and Impact on Residents enjoyment of the property
 - c. Damage to Drains
 - d. Risk
- iv) Summary of objections raised by Mark Bullock (Surveyor) on Behalf of Bootherstone Estate Company Ltd.
 - a. The trees have caused damage to drains and the property
 - b. Amenity

v) Consideration of objections

Damage to the drains

A report on the drains at 22 was provided (Supporting Document 3). This confirmed that the drains were damaged and needed repair. There was no mention of root ingress.

Tree roots will proliferate in drains which are cracked but where drains are in good repair they are much less likely to cause issues.

Damage from the canopy of the trees and risk

The TPO does not prevent the management and pruning of the trees. Although an application would need to be made. With these trees I consider that some management of the crowns could be undertaken to reduce the impact on the neighbouring properties, improve the situation for residents and limit risk

Where a tree presents an immediate risk of serious harm and work is urgently needed to remove that risk, guidance states *tree owners or their agents must give written notice to the authority as soon as practicable after that work becomes necessary. Work should only be carried out to the extent that it is necessary to remove the risk.*

Amenity

Concern has been raised about whether the trees are suitable for the location. The tree species Lime and sycamore are quite typical of planting in Buxton. They are robust species which will respond well to pruning and management. Mature trees both those in streets and parks as well as private dwellings help to define the character of Buxton.

Subsidence damage

With regards to the alleged subsidence damage. To date this evidence provided is not conclusive that the trees in question are a contributory factor. Also the proposed removal of three trees seems excessive.

If further information is submitted that demonstrates that the trees are implicated we can consider the management options. The TPO does not prevent us at a latter date allow the removal or pruning of trees if this is justified.

6. IMPLICATIONS

a) Resources

No significant implications.

b) Legal, Human Rights Act, Equalities, Community Safety, Consultation

If the Tree Preservation Order is confirmed the owner can still apply to undertake works to the trees. If an application were refused they would then have a right appeal to the Planning Inspectorate against the Council's decision.

c) Environmental Issues and Risk Assessment

Trees, particularly mature trees, contribute to the environment not only in terms of visual amenity, but they also have broader environmental benefits such as storing carbon, mitigating pollution and storm water runoff.

The risk from trees is generally very low and there were no defects in these that has elevated their risk beyond a tolerable level.

7. HOW THIS LINKS TO CORPORATE PRIORITIES

Using planning legislation to protect trees on private land contributes to

Corporate aim 4: Protect and Improve the Environment

It is also in line with the Council's tree policy 2.2.1 which states that 'The Tree Preservation Order system will be used to ensure that trees of high amenity which are under threat are protected.'

8. APPENDICES

1. Copy of the plan accompanying the Tree Preservation Order showing the location of the trees

9. WEB LINKS AND BACKGROUND PAPERS

Documents available for inspection

Supporting Document 1	Plan showing the location of the trees
Supporting Document 2	Technical Report on a Subsidence Claim
Supporting Document 3	Site investigation report
Supporting Document 4	Arboricultural Appraisal Report
Supporting Document 5	Conservation Area Notification
Supporting Document 6	Notification Acknowledgement
Supporting Document 7	TPO assessment – September 2020
Supporting Document 8	Copy of the TPO order and plan
Supporting Document 9	Objection - Lisser (Owner of T1, T2 and T3)
Supporting Document 10	Objection M Grieg 4 Eton House
Supporting Document 11	Objection Bullock / Bootherstone Estate