

NORTHUMBERLAND

Northumberland County Council

NORTH NORTHUMBERLAND LOCAL AREA PLANNING COMMITTEE

20th October 2022

ITEM FOR DECISION

TREE PRESERVATION ORDER TOWN AND COUNTRY PLANNING ACT 1990

**Northumberland County Council
(Land at rear of Neston and The Nook, Pondicherry, Rothbury, Morpeth
NE65 7YS)
Tree Preservation Order 2020
(no. 5 of 2020)**

1. Introduction

1.1 The purpose of the report is to consider confirming the above Tree Preservation Order following expiry of the statutory period for objections.

2. Implications

2.1 Policy: Recommendation accords with Northumberland Local Plan 2016

Finance: There is a risk of a claim for compensation for refusal of consent under the TPO.

Personnel: Officer time assessing the proposal, preparing and serving documentation.

Property: No Council property is affected.

Human Rights: The individual's rights to the enjoyment of their property is affected.

3. Background

3.1 A provisional Tree Preservation Order (TPO) was made on 2 Sycamore trees on 3rd May August 2022 under delegated powers. The provisional TPO was made following a request from local resident.

3.2 The resident made the request for the TPO on the basis that the trees are an integral part of the landscape and there was a perceived risk of removal because of development proposed near to the tree's location, although the trees were not on land within the redline boundary of any planning applications at the time of request, or to date.

4. Planning History

A/2007/0610

Stanton, Pondicherry, Morpeth

Erection of windmill power generator on lattice tower and ancillary equipment shed
REFUSED

A/2008/0193

Stanton, Pondicherry, Morpeth

Erection of 6.2m high pole mounted windmill and ancillary equipment shed
(resubmission A/2007/0610)
PERMITTED

16/02001/ELEGDO

The Old Orchard, Pondicherry, Rothbury

Erection of low voltage pole
NO OBJECTION

5. Planning Policy

4.1 National Planning Policy

National Planning Policy Framework (2021)

National Planning Practice Guidance (2021 as updated)

4.2 Development Plan Policy

QOP4 Landscaping and trees

4.3 Other Documents/Strategies

Planning Practice Guidance Suite: Tree Preservation Orders and Trees in Conservation Areas, 6th March 2014.

6. Representations

6.1 A letter has been received from the resident of Pondicherry Farm, Pondicherry outlining concerns for relatives living at Stanton, Pondicherry and The Barn Pondicherry. A second letter has been received from the Resident of The Barn. The letters raise the following concerns regarding safety:

1. A local tree surgeon (unnamed) was asked to inspect the trees and reported that there was localised decay. The root system on the tree nearest to The Barn is substantially restricted by a retaining wall to the south side which has weakened the root structure
2. The tree nearest The Barn has a large crown which causes concern in high wind and during recent storms several large branches came down and

damaged the property at The Barns, leading to concerns regarding the safety of those resident in the property.

3. The tree set furthest from The Barn is structurally unsound and would pose a risk to property should it fail including overhead electricity lines.
4. A tree adjacent to those subject to the TPO was removed several years ago because of similar safety concerns.
5. The objectors also query where their liability would lie should the trees fail and cause harm to persons or property.

7. Assessment

7.1 Taking the points above in turn the response is as follows:

Points 1-3 The view that the trees are dangerous and have the structural faults and decay as set out in the objections is not supported by a report or comments submitted by a tree surgeon.

The objectors have been given details of how to submit a 5 day notice or an application to carry out works to protected trees, however, no submissions have been received to date to allow further consideration of the condition of the trees.

Large, mature trees are often viewed as being dangerous owing to their size and age, in particular when they are set close to residential properties. It is not the intention of Officers to minimize the concerns of the neighbouring residents and it is not the want of the Local Planning Authority to prevent any works that were shown to be reasonable and necessary to be carried out, including the felling of a tree, subject to the appropriate evidence being presented.

Point 4 The tree removed was not subject to a TPO or within a Conservation Area, therefore there was no restriction on its removal. However, evidence to justify the removal of trees subject to a TPO through 5 day notice or application is required.

Point 5 The liability query is addressed by the fact that while the TPO prevents any works being carried out without prior consent, again if compelling evidence is presented for removal, felling on safety grounds can be agreed. It is the view of Officers that the trees make a strong positive contribution to the visual amenity of the area and at the time of assessing the trees for the creation for a TPO there were not any immediately obvious issues with the condition of the trees. Therefore, it was reasonable to create the TPO and this is why it is recommended that the TPO be confirmed.

8. Recommendation

It is **recommended** that the Tree Preservation Order be confirmed without modification for the reasons set out at paragraphs above.

