

NORTHUMBERLAND

Northumberland County Council

**NORTHUMBERLAND COUNTY COUNCIL
North Northumberland Local Area Planning Committee
19TH October 2023**

ITEM FOR DECISION

TREE PRESERVATION ORDER TOWN AND COUNTRY PLANNING ACT 1990

**Northumberland County Council
(Land at St Peters Close, Glanton, Northumberland)
Tree Preservation Order 2023
(no. 3 of 2023)**

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 and the NPPF 2023.

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 9 trees (Sycamore, Ash and Oak) within the newly completed St Peters Close, Glanton on 18th May 2023 under delegated powers. The provisional TPO was made following a request from Glanton Parish Council. At the time of the request the site was under development for the creation of 6no. new dwellings. The original application of 17/00209/FUL has had several variations,

21/02289/VARYCO
21/04081/VARYCO
22/01688/VARYCO

22/00087/VARYCO

The variations have related to the layout of the site, and changes to tree protection plans and tree survey updates to reflect changes on the site and the passage of time since the original tree survey was undertaken in 2017.

This application was reported to virtual Strategic Committee in August 2020 where it was approved subject to conditions and a S106 agreement to secure a replacement playing pitch, a coastal mitigation contribution, affordable housing contribution, education contribution, healthcare contribution and an obligation to provide public open space in perpetuity and the provision of a children's play area either on site or off site. The S106 has not yet been finalised and the application is therefore pending a decision.

3.2 The Town Council made the request for the TPO on the basis that the trees are an integral part of the street scene and are at risk of removal because of the proposed development.

3.3 The request submitted also asked for around 13 or so smaller trees of mixed species to be covered by TPOs and some other larger trees at the existing site entrance off Prudhoe Street. Officers considered the inclusion of these trees however it was determined that the individual trees were either not well placed to make a strong positive contribution or were not of a suitable condition to be retained. Therefore, the provisional TPO was created to cover the 204 Lime trees that bound the site.

4. Planning History

17/00209/FUL Construction of 6 no. residential units with associated garaging -
Amended 30/10/17
Land South Of The Juries The Causeway Glanton Northumberland
Status: Permitted

21/04081/VARYCO Variation of condition : 15 (Tree protection) in order to update
tree survey take into account passage of time on approved application
17/00209/FUL
Land South Of The Juries The Causeway Glanton Northumberland
Status: Refused

21/03690/DISCON Discharge of condition 15 (Tree Protection Plan) on approved
application 17/00209/FUL.
Land South Of The Juries The Causeway Glanton Northumberland
Status: Refused

21/02289/VARYCO Variation of condition 2 (approved plans) on approved
application 17/00209/FUL to substitute housing to bungalows in "farmstead" layout
Land South Of The Juries The Causeway Glanton Northumberland
Status: Permitted

21/00360/DISCON Discharge of condition : 18 (archaeology) on approved application 17/00209/FUL
Land South Of The Juries The Causeway Glanton Northumberland
2021 | Status: Decided

21/00355/DISCON Discharge of condition 18 (archaeology) of application 17/00209/FUL
Land South Of The Juries The Causeway Glanton Northumberland
Status: Decided

21/00314/DISCON Discharge of condition 13 (foul and surface water) of application 17/00209/FUL
Land South Of The Juries The Causeway Glanton Northumberland
Status: Permitted

21/00305/DISCON Discharge of condition 8 (street maintenance) of application 17/00209/FUL
Land South Of The Juries The Causeway Glanton Northumberland
Status: Permitted

21/00315/DISCON Discharge of condition 14 (landscaping plan) of application 17/00209/FUL
Land South Of The Juries The Causeway Glanton Northumberland
Status: Permitted

5. Planning Policy

4.1 National Planning Policy

National Planning Policy Framework (2023)

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 owner of 2 St Peters Close, Mr Smith. The letter queries the requirement for the TPO and the detail of the TPO itself in the following points:

1. There are two Ash trees located within the curtilage of 2 St Peters Close. Both trees are of concern to the owner as they are in poor condition.

2. One tree has been identified as having Ash Dieback and has been pollarded prior to the creation of the TPO following professional advice. The other has a large split in the trunk and is held together by use of strapping.

7. Assessment

7.1 Taking the points above the response is as follows:

1. The provisional TPO was created as an Area TPO without any formal assessment of the 9no. trees within the area. This approach is valid and was utilised on this occasion as it was acknowledged that the trees would be vulnerable to works being carried out in the time between the trees being assessed and the TPO created. The trees are not within the Glanton Conservation Area and as such there were no other protections in place prior to the creation of the TPO.
2. It is noted by Officers that there are significant defects with both of the trees in the garden of 2 St Peters Close and when they have been formally assessed they do not meet the required standard to be deemed suitable for a TPO.
3. The TPO is therefore proposed to be modified to be taken from an Area TPO covering 9no. trees to a TPO with 7 individual trees identified. The trees in the curtilage of 2 St Peters Close will not be included in the revised TPO for the reasons stated above.

7.2 The other 7no. trees on this site are worthy of protection through the creation of the TPO as they are an intrinsic feature within the landscape and to not protect them against removal now and in the future could cause detriment to the character and appearance of the street scene and the wider landscape.

8. Recommendation

It is **recommended** that the Tree Preservation Order be confirmed with the specified modification for the reasons set out at paragraphs 7.1 – 7.2 above.

Background Papers: Planning application file(s) 17/00209FUL
21/02289/VARYCO
21/04081/VARYCO
22/01688/VARYCO
22/00087/VARYCO