



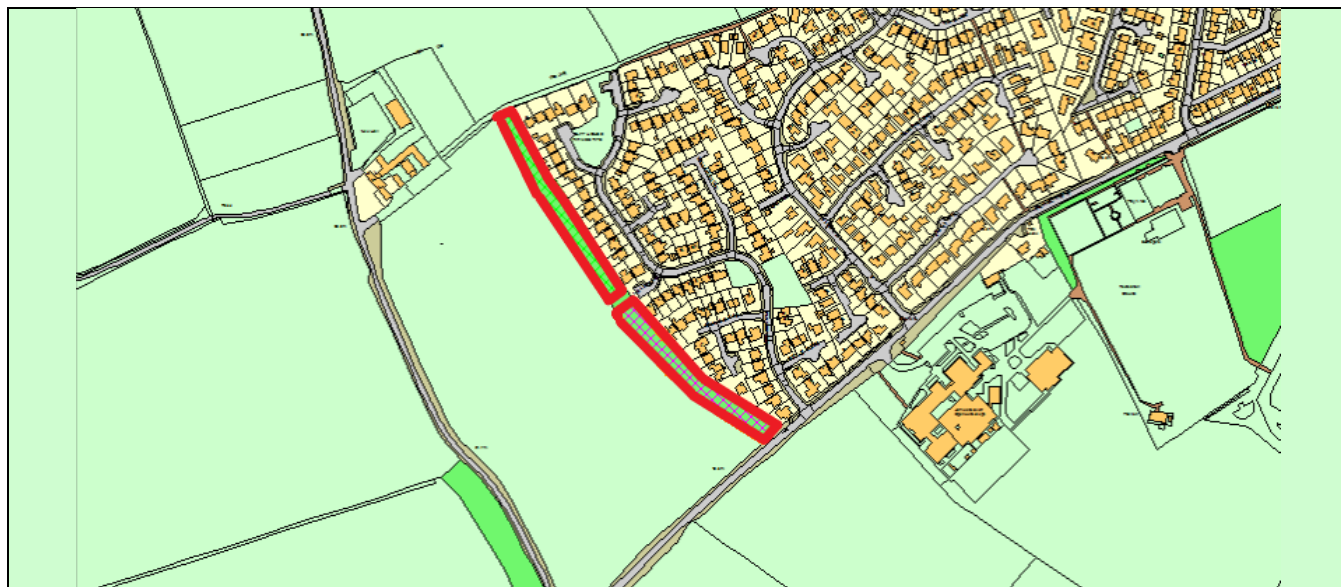
# Northumberland

## County Council

### North Northumberland Local Area Committee 24<sup>th</sup> February 2022

<b>TPO Reference No:</b>	PKT 0686		
<b>Proposal:</b>	New Tree Preservation Order: 'The Northumberland County Council (Land to the west of Gloster Meadows, Amble, Northumberland) Tree Preservation Order 2021 (No. 02 of 2021)'		
<b>Site Address</b>	Land to the West of Gloster Meadows, Amble (nearest postcodes: NE65 0GA / NE65 0GB)		
<b>Ward</b>	Amble West with Warkworth	<b>Parish</b>	Amble By The Sea
<b>Provisional Order Date:</b>	25 August 2021	<b>Confirm by Date:</b>	25 February 2022
<b>Case Officer Details:</b>	Name: Mrs Laura Tipple Job Title: Planning Technician Tel No: 01670 620334 Email: Laura.Tipple@northumberland.gov.uk		

**Recommendation:** It is **recommended** that the Tree Preservation Order be confirmed with modification.



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## 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. The matter falls to be determined by members of the North Northumberland Local Area Council Planning

Committee as two objections have been received from members of the public to the Provisional Tree Preservation Order.

## **2. Background**

2.1 The Tree Preservation Order (TPO) relates to a private woodland strip on the western edge of Amble. It is located to the north of the B6345 road. To the east are residential properties located on Robsons Avenue, Ethels Close and Sylvias Close. There is a public right of way and agricultural land to the north and agricultural land to the west<sup>1</sup>.

2.2 The Local Planning Authority received a request to consider making a TPO, to safeguard the future amenity of the woodland, as the woodland (referred to as woodland W1 in the Order) had been marketed for sale. Also, land has been sold off in small parcels to some residents to allow them to extend their gardens, which has seen some area of trees removed and the density of the woodland, in parts, eroded on the eastern edge. Trees have also been removed in the centre of the woodland strip to provide an underground service strip for a new residential development to the west.

2.2 The trees have been assessed by the Councils Trees and Woodland Officer and a Tree Evaluation Method for Preservation Orders (TEMPO) assessment was carried out. A TEMPO Assessment has a range of criteria which are used to assess whether trees are suitable for protection under a TPO, including health and condition, public visibility, size, remaining longevity, any notable arboricultural features, and any threat levels to the trees. Following this assessment, the trees collectively, as a woodland group, scored highly enough to be considered worthy of protection under a TPO. A Provisional TPO was made for the trees on 25<sup>th</sup> August 2021 and the statutory consultation period ended on 29<sup>th</sup> September 2021. The title of the Order is 'The Northumberland County Council (Land to the west of Gloster Meadows, Amble, Northumberland) Tree Preservation Order 2021 (No. 02 of 2021)'. Due to trees being removed in the centre of the woodland strip to facilitate the services to the new development, the trees have been shown in the Order as being two separate woodlands (woodlands W1 and W2). A copy of the Order is attached to this report (see Appendix A).

## **3. Related Planning History**

**Reference Number:** 15/02641/COU

**Description:** Change of use of land from open space to private garden.

**Status:** PERMITTED

## **4. Planning Policy**

### **4.1 Development Plan Policy**

Policy S13 - Landscape character - Alnwick District LDF Core Strategy (2007) - (ACS)

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<sup>1</sup> Note: Planning permission has been granted for the construction of 185 dwellings on the field to the west (planning application references 18/01529/OUT, 19/05018/REM, 21/01536/NONMAT, 21/01691/VARYCO, 21/02278/NONMAT).

## 4.2 National Planning Policy

National Planning Policy Framework (2021) - (NPPF)

## 4.3 Emerging Policy

Northumberland Local Plan - Publication Draft Plan (Regulation 19) and Proposed Minor Modifications, submitted on 29 May 2019, as amended by proposed Main Modifications June 2021 - (NLP)

Policy QOP 4 - Landscaping and trees

## 4.4 Other Documents/Strategies

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

## **5. Representations**

Two letters of objection have been received from the owner/occupiers of Numbers 13 and 17 Robson Way and one comment of support has been received from Amble Town Council.

The concerns raised are summarised below:

- You state the trees are visible to the public. They are visible to the homeowners, and to people walking on the footpath and at the bottom of Robson's Way. They are visible from the road to Warkworth (Guilden Road).
- You state that the trees provide a natural buffer to the western boundary of Amble. Except that Robson's Way/ Gloster Meadows will no longer be to the western boundary of Amble as there has been planning permission for 185+ properties in the field behind the trees and between the road.
- We bought our house as new from Alfred McAlpine (Number 17). The trees were below the fence (6ft) and were told that they would be maintained and would not grow above a certain height and impact on our light.
- The trees have never been maintained or coppiced. During the 17 years that the woodland was planted the current owner has failed to maintain it and many of the crowded Ash and Scots Pine trees have 'bolted'. As a result of this crowding, many are tall, unhealthy and unsightly. Work will be required to overcome years of neglect.
- It is unlikely that any detailed assessment of the woodland's condition took place prior to the temporary Order but many of the trees to the rear of properties including Number 13 are seriously affected by Ash dieback and this disease is likely to spread if not addressed as a matter of urgency by whoever is responsible
- The trees impact the light that reaches the properties to the west.
- Land that has been purchased by residents has not been reflected in the TPO plan (W1)
- Other residents have already coppiced and removed trees on land that is not reflected as being owned by them on the TPO plan.
- The landowner is attempting to sell the area of Woodland W1. Residents may wish to purchase the land behind their homes and prevent someone else from buying the land. Some homeowners have purchased sections of the

woodland and it would be unfair if a TPO precluded others from doing the same especially those who have already begun negotiations with the owner's agent. It is highly unlikely that any of the residents would wish to remove all of the trees which screen their properties but by taking responsibility for their maintenance, there are likely to be long term benefits.

- Woodland marked W1 is inaccessible to vehicles and is only accessible via the footpath at the bottom of Robsons Way, via the private gardens or via the field.

## **6. Appraisal**

6.1 The woodland trees subject to the proposed Tree Preservation Order have been assessed for their suitability for a TPO by Officers, and by the Council's Trees and Woodland Officer. The trees as a whole are considered to be in a 'fair' condition. The woodland is a plantation woodland and the trees vary in species, size, condition and qualities, however, as a woodland group they are considered to be in a fair condition. Since the tree preservation Order was made there have been some impacts due to Storm Arwen in November 2021, where some trees and branches have fallen, however, the woodlands can still overall be considered as in fair condition.

6.2 The trees are considered to be large trees, clearly visible to the public and having a remaining lifespan of 100+ years. The woodland is a tree group, which is important for its cohesion and amenity value. The visibility of the trees has been raised in one objection. It is considered that the trees are highly visible and can be seen from residential gardens and the surrounding area, including from the B6345 road, the public footpath to the north and gaps between residential properties in the Gloster Meadows estate. Even when the new development is built to the west, it is still considered that the woodland would be highly visible to the public, but the views would not be as open as they are currently.

6.3 Following the letter of objections, the Case Officer revisited the woodland on 24<sup>th</sup> January 2022 and assessed the trees and the accuracy of the boundaries shown in the TPO plan in the provisional TPO. The Case Officer visited Number 17 Robsons Way. On the plan, the woodland boundary was drawn over the garden of this property, however, trees have been removed in this area at some point and the woodland no longer covers the garden, as is shown on mapping records. Similarly, at some point trees have been removed to the rear of Number 18 Robsons Way.

6.4 In terms of perceived threat to the trees, when the original request was received to protect the trees, the land shown and W1 in the TPO plan was marketed for sale by the landowner. Some homeowners have removed trees and some have purchased sections of land from the landowner to extend their gardens (some of which have also removed trees). The Local Planning Authority consider, therefore, that there is a perceived threat to the trees. It is considered a precautionary approach would be to place a Tree Preservation Order on the woodland trees subject to this order, so that any future works to the trees or felling of the trees can be controlled and the amenity value of the woodland preserved.

6.5 On balance, when considering the qualities of the trees, size, together with public visibility, amenity value, future longevity and the perceived threat level to the trees, it is considered that the trees subject to this Order score highly enough in a TEMPO assessment to merit protection by a TPO. The trees are trees in a fair condition collectively and because of their visibility and size, means that they make a

positive contribution to the amenity, character and appearance of the area, as well as providing valuable tree cover and a natural tree buffer to the Gloster Meadows estate and between the Gloster Meadows estate and the proposed development to the west.

6.6 It is considered expedient in the interests of amenity, and in the event of potential future risks to the woodland, to confirm the Tree Preservation Order. This would be in accordance with Policy S13 of the Alnwick District LDF Core Strategy and Policy QOP 4 of the emerging Northumberland Local Plan. It is proposed that the plan accompanying the Provisional TPO should be modified, to show the eastern boundary of the TPO (behind numbers 17 and 18 Robsons Way) amended to remove trees in the area previously included in the plan. A modified plan is attached in Appendix B of this report.

6.7 The placing and confirmation of a Tree Preservation Order would not preclude future maintenance works to the trees.

### *Other Matters*

#### Equality Duty

6.8 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

#### Crime and Disorder Act Implications

6.9 These proposals have no implications in relation to crime and disorder.

#### Human Rights Act Implications

6.10 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

6.11 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This proposal has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

6.12 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision-making process as a whole, which includes the right of review by the High Court, complied with Article 6.

## **7. Recommendation**

It is **recommended** that the Tree Preservation Order be confirmed subject to modification. The proposed modification is to substitute the plan in the Tree Preservation Order with the modified plan shown in Appendix B of this report, with the eastern boundary of woodland W1 amended to the west of Numbers 17 and 18 Robson Way, in order to remove land where there are no longer woodland trees in this location. The reasons for the recommendation are set out in paragraphs 6.1 – 6.7 above.

**Date of Report:** 09.02.2022

**Background Papers:** N/A

**Appendix A** – Copy of Provisional Tree Preservation Order (Made 25<sup>th</sup> August 2021)

**Appendix B** – Proposed Modification Plan