

# North Tyneside Council

## Report to Planning Committee

### Date: 17 March 2020

Title: Kirkdale Court,  
Burradon Road,  
Burradon, Cramlington  
Tree Preservation Order  
2020

**Report from Directorate:** Environment, Housing and Leisure

**Report Author:** Phil Scott Head of Environment, Housing and Leisure (Tel: 643 7295)

**Wards affected:** Camperdown

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#### 1.1 Purpose:

To consider the above Tree Preservation Order for a group comprising of 6 trees taking into account any representations received in respect of the Order.

#### 1.2 Recommendation(s)

Members are requested to consider the representations to Kirkdale Court, Burradon Road, Burradon, Cramlington, Tree Preservation Order 2020 and confirm the Order.

#### 1.3 Information

1.3.1 The Council were notified of the intention to prune or remove 6 trees in the amenity greenspace in front of Kirkdale Court that fronts onto Burradon Road and Kirklands (Appendix 5 and 6). These works were assessed, and the Council decided to make a Tree Preservation Order (TPO) for the trees. The Order was served in November 2019.

1.3.2 One email of objection has been received following the Council's decision to serve a TPO on the trees from the owners of the land covered by the TPO. A copy of the representation is included as Appendix 3 to this report.

1.3.3 Objections from the owner, Places for People, Kirkdale Court can be summarised as follows:

- The trees are a concern for the manager of Kirkdale Court and its residents, who are aged 55 and over, a lot of whom are vulnerable. The roots of the trees are lifting the grass and the pathway throughout the garden area. This is making some of the residents fearful of slipping and tripping in the garden areas;
- Causing distress for the residents that live on the front of the building as they cannot see out of the windows;
- Residents cannot open their windows throughout the summer due to the wasps nests;
- Residents have leaves coming in through their windows throughout the winter, even those on the third floor;
- Residents have no light and for those residents that are not able to get out as often as they would like or that are house bound they are sitting in darkness all of the day;
- There are two of the three willows and the birch that are causing more issues than the others so even if the trees were looked at on an individual basis that would be more reasonable.

1.3.4 A summary of the objections are listed below. The Council has responded, in consultation with the landscape architect (who has provided a full response in Appendix 4), to each of the objections:

- a) Roots lifting footpaths within the garden areas;
- b) Blocking views and light from windows;
- c) Wasp nests in trees and falling leaves;
- d) Some trees are causing issues more than others; and
- e) General risk associated with the trees.

**a) Roots lifting footpaths within the garden areas**

1.3.5 It is likely that the presence of tree roots will result in minor damage to surfaces of minimal construction, such as asphalt driveways and paving. Compacted soils can often lead to insufficient space underground for tree roots to grow and often forces roots to colonize immediately underneath the hard surface finish. This is something to be expected and resurfacing may be the only solution. Cutting off the problem roots often causes stress and instability (depending on the amount and size of the roots involved) and not always advisable as trees without sufficient root support can be blown over more easily in a storm.

1.3.6 Remedies for lifted pavements around mature trees often involve either moving the pavement away from the tree or raising the soil surface by adding no more than two inches of half compost/ half-topsoil mix (No dig construction). However, such assessments are best made by qualified experts and approval would be required for works to any trees subject to a TPO.

**b) Blocking views and light from windows**

1.3.7 The TPO would prevent the removal of the tree for light purposes unless it is demonstrated that a severe restriction has resulted. Remedial tree works such as crown thinning can relieve the situation, but shade is not sufficient reason to allow the removal of the tree or the withdrawing of the TPO. Where requests are made to prune trees to increase light levels, each instance will be assessed on its merits.

**c) Wasp nests in trees and falling leaves**

1.3.8 Leaf fall is a natural and seasonal inconvenience and whilst troublesome it is not legally a nuisance and not sufficient to allow the removal of the tree or withdraw the TPO. Crown raising or crown thinning should help reduce the issue of damp and moss growth by allowing increased light and air through the canopy and carried out with regular clearance of the gutters will help prevent blockages to the guttering.

1.3.9 Wasp nests are a natural occurrence and whilst they can be seen a nuisance to humans it does not require the removal of the tree, but rather the removal of the nest itself. If it is necessary to destroy the nest, it can be destroyed by applying a residual insecticide.

**d) Some trees are causing issues more than others**

1.3.10 The trees are prominent features within the street scene, contributing to the character and amenity of the area, but a TPO is not meant to prevent all work from being done to a tree. Trees are living things that occasionally require maintenance. Tree applications are free and are a process where any necessary or appropriate work would get consent. This would enable the Council to be able to control the work in the interests of general amenity of the surrounding area based on appropriate information submitted.

#### **e) General risk associated with the trees.**

1.3.11 There are risks associated with trees, for example risk of damage from subsidence, unexplained falling branches, dead wood within the trees canopy. As trees grow, it is natural for them to drop branches. This can be addressed through simple management and regular inspections as part of a sensible risk management approach and which can reduce the likelihood of problems in the future. Responsibility for the tree lies with the owner of the land on which the tree is growing. There is a duty for the landowner to take reasonable care to ensure that their trees do not pose a threat to people or property even if the tree is protected by a tree preservation order. As it is difficult to predict the safety of a tree, it is the owner's responsibility to have their trees checked regularly by a competent person and professional arboricultural advice should be sought to ensure trees are maintained in a safe condition. A tree surgeon to undertake an assessment of the trees who will be able to determine if there is any risk and how the risk, if present, can be mitigated.

#### **Additional Guidance**

1.3.12 North Tyneside Council is firmly committed to providing a clean, green, healthy, attractive and sustainable environment, a key feature of the 'Our North Tyneside Plan'.

1.3.13 Trees play an important role in the local environment providing multiple benefits but they need to be appropriately managed, especially in an urban environment.

1.3.14 Confirming the TPO will not prevent any necessary tree work from being carried out but will ensure the regulation of any tree work to prevent unnecessary or damaging work from taking place that would have a detrimental impact on the amenity value, health and long term retention of the trees. If the owners/occupiers were concerned about the condition of the trees and require pruning works to be carried out, an application to the Council can be submitted as required by the TPO.

1.3.15 Protecting the trees with a TPO would be in accordance with the Councils adopted Local Plan policy DM5.9 Trees, Woodland and hedgerows, which states;

*'DM5.9 Trees, Woodland and Hedgerows: Where it would not degrade other important habitats the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows in the borough and:  
a) Protect and manage existing woodlands, trees, hedgerows and landscape features'*

1.3.16 In accordance with the Town and Country Planning Act 1990 (as amended) the Authority considers it necessary to issue a Tree Preservation Order to maintain and safeguard the contribution made by these trees to the landscape and visual amenity of the area. The Tree Preservation Order was served on the owners and other relevant parties on 1<sup>st</sup> November 2019. A copy of the TPO schedule (Appendix 1) and a map of the TPO (Appendix 2) is included in the Appendices.

1.3.17 The Order must be confirmed by 1 April 2020 otherwise the Order will lapse and there will be nothing to prevent the removal of these trees which are currently protected.

#### **1.4 Decision options:**

1. To confirm the Tree Preservation Order with no modifications.
2. To confirm the Tree Preservation Order with modifications.
3. To not confirm the Tree Preservation Order.

**1.5 Reasons for recommended option:**

Option 1 is recommended. A Tree Preservation Order does not prevent the felling of trees, but it gives the Council control in order to protect trees which contribute to the general amenity of the surrounding area.

**1.6 Appendices:**

Appendix 1 – Schedule of TPO for Kirkdale Court, Burradon Road, Burradon, Cramlington Tree Preservation Order 2020

Appendix 2 – Map of TPO for Kirkdale Court, Burradon Road, Burradon, Cramlington Tree Preservation Order 2020

Appendix 3 – Email of objection from Places For People

Appendix 4 – Response from the Council landscape architect to the objection of the TPO

Appendix 5 – Applicants Original Enquiry

Appendix 6 – Applicants Proposed Works

**1.7 Contact officers:**

Peter Slegg (Tel: 643 6308)

**1.8 Background information:**

The following background papers have been used in the compilation of this report and are available for inspection at the offices of the author:

1. Town and Country Planning Act 1990.
2. Planning Practice Guidance (As amended)
3. The Town and Country Planning (Tree Preservation) (England) Regulations 2012

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