

North Tyneside Council
Report to Decision Maker:
Stephen Ballantyne, Head of Law and
Monitoring Officer
Date: 16 July 2025

Officer Delegated Power
Report (non-executive
decisions)
Title of Report: Proposed Tree
Preservation Order at 10 Oakhurst,
Benton, NE12 9NY

Report from Service Area: Governance Services

Responsible Officer: Ros Reid, Democratic Services Officer Tel: (0191) 643 7155

Wards affected: Forest Hall

PART 1

1.1 Executive Summary:

The purpose of the report is to seek approval of the Head of Law and Monitoring Officer for the making of a Tree Preservation Order (TPO) in respect of a tree at 10 Oakhurst, Benton, NE12 9NY, following consultation with the Chair and Deputy Chair of the Planning Committee.

1.2 Recommendation(s):

It is recommended that:

- (1) the Authority makes the Tree Preservation Order proposed; and
- (2) the Authority confirms the Tree Preservation Order if no objections have been received.

1.3 Council Plan and Policy Framework

This report relates to the following themes/programmes/projects in the Our North Tyneside Plan 2021-25:

A Green North Tyneside

1.4 Information:

1.4.1 Background

- 1.4.2 Under the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation)(England) Regulations 2012 the Authority can make a Tree Preservation Order if it appears to the Authority to be in the interests of amenity to make provision for the preservation of trees or woodland in its area.
- 1.4.3 The legislation sets out the process to be followed in making a Tree Preservation Order including the format of the Order, who to notify of the making of the order, how affected persons may make representations in relation to the Order, and the timescale for the receipt of those representations.
- 1.4.4 The Authority proposes to make a TPO in respect of a mature Holly tree in the front garden of 10 Oakhurst Terrace, Benton, NE12 9NY and situated within approximately 18m east of the centre of Station Road to the west and approximately 18m to the north of the centre of Oakhurst Terrace to the south.
- 1.4.5 The tree to be protected by the TPO is in the Benton Conservation Area and contributes to the character and appearance of the area.
- 1.4.6 A request has been made to remove the tree (Section 211 Notice).
- 1.4.7 The Authority considers removal of the tree would have a detrimental impact on the amenity of the local area and therefore protection of the tree is vital.
- 1.4.8 A TPO would assist in safeguarding the tree from poor excessive or unnecessary pruning or removal.

1.5 Decision options:

The following decision options are available for consideration:

Option 1

To make the TPO as proposed and to confirm the TPO if the Authority receives no objections.

Option 2

Not to make the proposed Tree Preservation Order.

Option 1 is the recommended option.

1.6 Reasons for recommended option:

Option 1 is recommended for the following reasons:

The Order will protect the trees within it from removal or unauthorised pruning works and will allow for any proposed works to be the tree to be scrutinised.

1.7 Appendices:

Appendix 1: Draft Tree Preservation Order

Appendix 2: Site Location Plan

Appendix 3: Proforma for TPO Request

Appendix 4: Tree Evaluation Method for Tree Preservation Order

1.8 Contact officers:

Ros Reid, Democratic Support Officer, tel, (0191) 643 7155

Aidan Dobinson Booth, Planning Team Manager, tel, (0191) 643 6333

Andrew Scrambler, Senior Landscape Architect, tel 07542087370

1.9 Background information:

The following background papers/information have been used in the compilation of this report and are available at the office of the author:

(1) The Town and Country Planning Act 1990, [Town and Country Planning Act 1990 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1990/68/contents) Accessed 16 May 2023

(2) The Town and Country Planning (Tree Preservation) (England) Regulations 2012, [The Town and Country Planning \(Tree Preservation\) \(England\) Regulations 2012 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uksi/2012/2626/contents/made)

PART 2 – COMPLIANCE WITH PRINCIPLES OF DECISION MAKING

2.1 Finance and other resources

There are no financial implications directly arising from the creation of a Tree Preservation Order. The cost of making the Order will be met from within existing budgets.

2.2 Legal

The process of making a Tree Preservation Order is covered under the Town and Country Planning Act 1990 and the Town and Country Planning (Tree Preservation)(England) Regulations 2012 which sets out the process to be followed and who needs to be informed of the making of the Order.

2.3 Consultation/community engagement

2.3.1 Internal Consultation

In accordance with the Officer Delegation Scheme LG45(r) the Chair and Deputy Chair of Planning Committee have been consulted and have agreed to the making of the Tree Preservation Order.

2.3.2 External Consultation/Engagement

As part of the process of making the TPO the Authority is required to notify people with an interest in the land on which the trees are located and invite representations about any of the trees. This is a requirement of the legislation and if the Order is agreed a standard notification will be sent to the interested parties.

2.4 Human rights

All persons affected by the TPO will be notified of the making of the Order and given the opportunity of submitting representations about any of the trees. Any representations received will be considered by the Planning Committee before any decision is made to confirm or not confirm the Order.

2.5 Equalities and diversity

There are no Equalities and diversity implications.

2.6 Risk management

There are no risk management implications.

2.7 Crime and disorder

There are no crime and Disorder implications.

2.8 Environment and sustainability

The protection of the trees by the tree preservation order will contribute to keeping the Borough a green place and will ensure that only sympathetic works are undertaken to the trees.