

TPO OBJECTION ELTON STREET

A planning application was submitted in October 2020 for the construction of new medical centre with associated clinical support offices, parking, landscaping and associated works at land south of Elton Street East Wallsend. The site contained a number of trees along the northern boundary of Elton Street East which were all to be removed, except for one, to facilitate the construction of the proposed development. It was considered that the trees on the site were worthy of retention and as a result, a TPO was served to protect all the trees on the site on 17th December 2020. The site layout plan was subsequently amended, and an alternative scheme was submitted that retained five trees on the site. This approved development now provides a more well thought out design solution that meets the requirements of the Wallsend masterplan aims and the ambitions of the Local Plan that recognises the importance of retaining the trees for visual amenity, whilst supporting the redevelopment and expansion of Wallsend town centre. Approval was granted on the revised layout that also secured the planting of 5no. new trees.

With regard to the TPO, the LPA has 6 months from the serving of the Order in which to consider any objections. An objection has been received from Peacock and Smith on behalf of their client, Assura Aspire Ltd, to the proposed Tree Preservation Order on the site.

The objection to the TPO can be summarised as follows:

1. That due process has not been followed by North Tyneside DC;
2. The trees are not of a suitable quality to warrant retention;
3. Impact on redevelopment which will have a negative impact on Wallsend Town Centre.

Relevant planning policies relevant to this TPO confirmation are:

- Town and Country Planning (Tree Preservation) (England) Regulations 2012
- NTC Local Plan policies

1. Due Process

The Lead planning officer will make a separate response on this

2. The trees are not of a suitable quality to warrant retention;

As part of the planning application 20/01582/FUL, an Arboricultural Impact Assessment (AIA) was submitted by Woodman Arboricultural Consultancy. The objector states that the Local Authority information supporting the TPO does not appear to provide any view as to the quality of the trees. Section 198 of the Town and Country Planning Act 1990 provides that local planning authorities may make Tree Preservation Orders (TPOs) if it appears to them to be "expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area". The Act does not define amenity, but Government guidance states that TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public.

The trees were assessed for their amenity value, not their quality. However the tree survey information provided by the applicant and was a consideration the final decision of the TPO. In terms of assessing amenity, the Tree Evaluation Method for Preservation Orders (TEMPO) was used. This assessment was carried out by the local planning authority and is a widely recognised and respected method of assessing tree as an important landscape feature offering significant amenity to the general public.

The TEMPO evaluation method takes into account factors such as a tree's visibility to the public, their condition, age and remaining life-expectancy, their function within the landscape (such as screening development or industry), its wildlife or historic value and ultimately its importance to the local environment. Public access to a tree or trees is not a relevant factor for consideration. Whilst this method is more recognised and widely used by local authorities, it must be remembered however that the TEMPO is only used as guidance and to act as supporting evidence to show how the conclusion to TPO or to not TPO is reached. Nevertheless, these factors are taken into consideration to decide whether a TPO is made although as a result of the surveyors judgement rather than a formal method of assessment. If a score of 11 and above is achieved in the assessment, then the trees are considered

worthy of a TPO. In this case the collective group of trees was evaluated with a score of 19 and therefore the decision was made to protect the tree by a TPO.

In terms of quality, tree survey information was provided within a Pre-Development BS5837 Arboricultural Implications Assessment as part of the application (20/01582/FUL). The site contained *'eleven significant individual trees within influence of the site'* and were surveyed and categorised in accordance with the guidelines contained within BS 5837 (2012) *Trees in Relation to Construction Sites: Recommendations*. The proposal sought to remove all eleven trees from the site as none were considered to be of high retention value (i.e category A trees). All eleven trees except for one were assessed as category B trees i.e *'Those of moderate quality and value: those in such a condition as to make a significant contribution for a minimum of twenty years. Site design should where practicable retain these specimens'*. The AIA tree survey information detailed the trees as having at least 40 years plus Estimated Safe Useful Life Expectancy (SULE) with a sub group category of 2 that recognises the trees as having *'landscape qualities'* i.e. *'Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as collectives but situated so as to make little visual contribution to the wider locality'*. Category 'B' trees are considered to be important enough to be considered a constraint to development and consequently should be retained and afforded appropriate protection during the ground works and construction phase of development.

However, the proposed development scheme saw the loss of all category B trees from the site. The loss of these trees and associated planting would be a visual change to amenity of the local streetscape with no mitigation offered. On this basis, a TPO (Tree Preservation Order) was made to retain and protect trees that provided visual amenity and made a significant contribution to the local surroundings.

3. Impact on redevelopment which will have a negative impact on Wallsend Town Centre.

The objector refers to North Tyneside Local Plan (adopted in July 2017) Policy AS8.2 which is an Area Specific Policy which relates to The Forum Shopping Centre. The objection states that under section (d) of AS8.2, the TPO would render the proposed scheme undeliverable and would prevent the key social, community and health benefits arising from the scheme and would *'undermine the comprehensive masterplanning of Wallsend Town Centre'*.

By retaining and protecting trees with a TPO would meet section (C) of the same policy AS8.2 *'Enhance the internal and external appearance of the shopping centre making the area attractive to shoppers and visitors'* and also the requirements of Policy DM5.9 Trees, Woodland and Hedgerows where the Council will support strategies and proposals that protect and enhance the overall condition and extent of trees, woodland and hedgerows. Trees are an important feature in urban landscapes and make a significant contribution to the character and quality of our landscape offering a *'sense of place'* and amenity with regard to the general public's interaction and enjoyment of the immediate and wider area, therefore the retention of trees on the site is a material consideration in determining any application.

A subsequent scheme has been subsequently been submitted that now provides a more well thought out design solution that meets the requirements of the Wallsend masterplan aims (as set out in the objection) as well as retaining a number of protected trees which would fully accord with the ambitions of the Local as well as recognising the importance of retaining the trees for visual amenity that will *'complete the redevelopment and expansion of Wallsend town centre'*.

4. Other issues:

As part of the planning application process, preapplication discussions were held. The LPA at that stage did not provide any view as to the quality of the trees but noted the presence of trees on the site and stated in their response (Annex B) that *'the development should, in the first instance, seek to retain, preserve and protect any existing healthy tree structure in its design. This should be based on the findings of an Arboricultural Impact Assessment for the application to be considered acceptable'*. The Design Officer also commented that *'Existing trees should be retained ...'*

A group TPO can be used where *'the group's overall impact and quality merits protection'*.

5. Conclusion

The trees are in fair condition, reasonably healthy with no major defects. They have a high amenity value, located in a prominent position and highly visible to the public. The trees are an important element of the local landscape. The Order has been properly made in the interests of securing the contribution these trees make to the public amenity value in the area. The concerns of the objection have been fully considered and balanced against the contribution these trees make to the to the local environment.

Whilst it is acknowledged that the reason for objecting to the TPO, in particular concerns about quality and their contribution to the wider Wallsend masterplan require due consideration, it is not felt that they outweigh the contribution these trees make to the area.

Due to their prominence within the local landscape, the age of the trees, their health and current condition, and on the understanding that the trees were at risk of being felled, it is considered expedient in the interests of amenity to confirm a Tree Preservation Order on these trees.

It is important to reiterate that, if the Order is confirmed, this would not preclude future maintenance works to the trees. Should any works need to be carried out to the trees for safety reasons, or for any other reason, an application can be made to the local planning authority to carry out works.