

RECOMMENDATION REPORT

Application No: 21/00960/TREECA

Printed: 15 September 2021 Date Authorised to proceed:

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Date valid: 21 April 2021 Decision Type: Delegated Decision

Target decision date: 31 May 2021 Ward: Monkseaton North

Date of Site Visit:

Application type: work to trees in a conservation area

Location: 1 Holywell Avenue Whitley Bay Tyne And Wear NE26 3AH

Proposal: All trees located within front garden of 1 Holywell Ave, leylandii and 1 x dominant pine, sectional dismantle and remove trees

Applicant: Mr Pritchard, 1 Holywell Avenue Whitley Bay Tyne And Wear NE26 3AH

Agent: Bigfellers, Mr Matt Leach 46 Marden Road South Marden Road South Whitley Bay NE25 8PJ

RECOMMENDATION: Split Decision

INFORMATION

Description of the Site

The site is a large semi-detached property in a suburban residential area. The property is set back from Holywell Avenue with a front garden that is largely paved but does contain a number of evergreens on the boundary with 3 Holywell Avenue.

The dominant tree at the front of the house is a species of pine tree and the leylandii are less dominant, form part of the boundary treatment between the neighbours front garden.

The road contains a number of mature street trees and together with other trees and mature shrubs in neighbouring gardens collectively provide local canopy cover that is an important element of the areas landscape character. The site is within Monkseaton conservation area and the Council seeks to preserve, protect and enhance the character and appearance of the area.

Description of the Proposal

This application is for works to trees within Monkseaton conservation area:

All trees located within front garden of 1 Holywell Ave, leylandii and 1 x dominant pine, sectional dismantle and remove trees

Relevant Planning History

The most recent tree works application is set out below:

18/00503/TREECA – Removal of row of leylandii (6no) along boundary of neighbouring property and removal of 1no pine tree, all within front garden – No TPO required
23.05.2018

Development Plan

North Tyneside Local Plan (2017)

Monkseaton Conservation Area Character Appraisal (October 2006)

Government Policy

National Planning Policy Framework (NPPF) (February 2019)

National Planning Practice Guidance (NPPG) (As amended)

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour

of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

Consultations/representations

Internal Consultees

Landscape Architect

Existing Site Context

Relative Legislation: *Monkseaton Conservation Area (February 2006)*.

The rear and front gardens of this large semi-detached property are well stocked in relation to trees and shrubs of all ages, including the background presence of mature neighbouring and streetscape trees. The applicants front garden area includes ornamental conifers of varying ages and maturity growing close to the property and bordering the shared property line. The front garden area also includes a large Pine tree (*Pinus sp.*), which occupies a space, approximately midway along the property frontage and close to the adjacent to the rear of the public footway. The property and general area is also located within a Conservation Area, which seeks to preserve and protect the amenity of the local area. The larger trees link with other trees in adjacent gardens and street trees, and collectively contribute to the immediate landscape tree structure of the Conservation Area. For the reasons given above in terms of the Conservation Area status it would be preferable to retain as much significant tree cover in the area as possible.

The Pine tree is very large and visually significant in the streetscape. The removal of this tree within the front garden area, will leave quite a significant space as a result of its removal and therefore is likely to affect the local amenity. The arboricultural information provided is limited with no valid arboricultural reason provided for the removal of the pine tree. There is no detail provided in relation to its physiological and structural condition nor has any detail of its remaining safe useful life expectancy provided. On this basis a TEMPO assessment has been undertaken to assess the tree for further protection by a TPO.

The removal of the *Leylandii* would be acceptable as these are smaller in scale and ornamental and would not be further protected by a TPO. However, the conifer trees provide nesting sites for a variety of species including blackbirds, robins and greenfinch for example and it is an offence to intentionally disturb, damage or destroy an active birds nest. Therefore, any tree works must be arranged and timed to avoid breeding birds (March to August) and failure to do so may result in an offence being committed, regardless of Conservation Area Consent/TPO permission.

Recommend **APPROVAL** for the removal of the following:
Leylandii located to the front garden of 1 Holywell Avenue

Recommend **REFUSAL** for the removal of the following subject to a TPO being served:
1no Pine (*Pinus sp*) located to the front garden of 1 Holywell Avenue

PLANNING OFFICERS REPORT

Planning Officer Comments

Trees and landscaped features make a significant contribution to the character and appearance of the urban area and to nature conservation. Trees in parks and public open spaces, in private gardens and grounds and on streets and highways are all significant in this respect. Many of the important groups of trees are protected by tree preservation orders (TPO's), more than 80 of which are operating in various parts of the borough, and further orders continue to be regularly made, which may cover one of two trees or many in related locations.

DM5.9 Trees, Woodland and Hedgerows states:

“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 woodland, trees, hedgerows and landscape features.
- b. Secure the implementation of new tree planting and landscaping schemes as a condition of planning permission for new development.
- c. Promote and encourage new woodland, tree and hedgerow planting schemes.
- d. In all cases preference should be towards native species of local provenance.

Planting schemes included with new development must be accompanied by an appropriate Management Plan agreed with the local planning authority.”

S6.5 Heritage Assets

North Tyneside Council aims to pro-actively preserve, promote and enhance its heritage assets, and will do so by:

- a. Respecting the significance of assets.
- b. Maximising opportunities to sustain and enhance the significance of heritage assets and their settings.
- c. Targeting for improvements those heritage assets identified as at risk or vulnerable to risk.
- d. Seeking and encouraging opportunities for heritage-led regeneration, including public realm schemes.
- e. Supporting appropriate interpretation and promotion of the heritage assets.
- f. Adding to and keeping up-to-date the Borough's heritage asset evidence base and guidance. Examples include conservation area character appraisals, conservation area boundary reviews, conservation area management strategies, conservation statements/plans, registers of listed and locally registered buildings, the historic environment record and buildings at risk registers.
- g. Using the evidence it has gathered, implement the available tools to conserve heritage assets, such as Article 4 Directions and Building Preservation Notices.

‘DM6.6 Protection, Preservation and Enhancement of Heritage Assets

Proposals that affect heritage assets or their settings, will be permitted where they sustain, conserve and, where appropriate, enhance the significance, appearance, character and setting of heritage assets in an appropriate manner. As appropriate, development will:

- c. Conserve and enhance the spaces between and around buildings including gardens, boundaries, driveways and footpaths;
- d. Remove additions or modifications that are considered harmful to the significance of the heritage asset;
- e. Ensure that additions to heritage assets and within its setting do not harm the significance of the heritage asset;
- g. Be prepared in line with the information set out in the relevant piece(s) of evidence and guidance prepared by North Tyneside Council;
- h. Be accompanied by a heritage statement that informs proposals through understanding the asset, fully assessing the proposed affects of the development and influencing proposals accordingly.

Any development proposal that would detrimentally impact upon a heritage asset will be refused permission, unless it is necessary for it to achieve wider public benefits that outweigh the harm or loss to the historic environment, and cannot be met in any other way.'

The trees are visible from the street scene, having a positive amenity value and contribute towards the overall character and appearance of the Conservation Area. However, the dominant pine tree has a far greater amenity value than the leylandii.

The Council seeks to protect tree coverage in the Borough, but when considering a section 211 notice the Council must consider the amenity value of the trees and their contribution towards preserving and enhancing the character and appearance of the Conservation Area to justify protection by a TPO.

When determining the amenity value, the Council is advised by National Planning Practice Guidance (PPG) 'Tree Protection Orders and Trees in Conservation Areas'. The PPG state a number of criteria for the Council to consider that include visibility, size and form, future potential, rarity, cultural/historical value, relationship with the landscape and contribution to the character and appearance of the Conservation Area.

On balance, the size, form and overall contribution to the character and appearance of the conservation area the leylandii trees located the closest to 1 Holywell Avenue would not justify protection by a TPO. However, the pine tree is a far more dominant tree and clearly visible from the street scene. Due to its size, form, increased amenity value and overall contribution to the character and appearance of the Conservation Area it would be worthy of a TPO. This would not exclude future works to the tree, it would just ensure that works are first considered by an application to the local authority.

The proposed works to the leylandii are acceptable and in accordance with Policy DM5.9, S6.5 and DM6.6 of the Local Plan (2017).

A TPO should not be made in respect of the trees.

The proposed works to the pine are not acceptable and not in accordance with Policy DM5.9, S6.5 and DM6.6 of the Local Plan (2017).

A TPO should be made in respect of the pine tree.

RECOMMENDATION: Split Decision

Conditions/Reasons:

1	Tree work to accord with BS3998	TPO00
		2

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):