South Tyneside Council

Reference:	ST/0414/24/TPOW
Location:	1 Three Rivers Court West Boldon NE36 0QJ
Ward:	Boldon Colliery
Description:	Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO). TPO242 T2- T3- T4- T5- T6- Maples- Crown lift to 4M. T7- Maple - Crown lift to 3m and a radial crown reduction of 1.5m. T8- Silver Birch- Remove tree (In an inappropriate location my client would prefer to remove and replant) and replant x1silver birch size- 10-12 standard in more central location on grassed area where T8 is located. T9- Ash- Remove- Signs of ash dieback. T10 & T11 - Sycamore- Prune to clear light column. T12- Ash- Remove- Signs of ash dieback. T13- Sycamore- Prune to clear building by 3M.
Recommendation:	Grant Permission with Conditions
Case Officer:	Casey Scott
Case Officer Contact No.:	0191 4246780 or 07442 655446

Description of site and proposals

The application site relates to Three Rivers Court, West Boldon. The application site is a group of residential properties, with adjacent trees within the site that are protected by Tree Preservation Order (TPO). The Tree Preservation Order 242 was made on the 17th September 2009. The site lies outside of the West Boldon Conservation Area, set to the north of Dipe Lane.

The application seeks permission for the following works: T2, T3, T4, T5 and T6 (Maples) – crown lift to 4m, T7 (Maple) – crown lift to 3m and radial crown reduction of 1.5m, T8 (Silver Birch) – remove tree and replace with another Silver Birch tree, T9 (Ash) – remove as it has signs of ash dieback, T10 and T11 (Sycamore) – prune to clear light column, T12 (Ash) remove as it has signs of ash dieback, T13 (Sycamore) – prune to clear building by 3m. The location of the proposed replanted tree is illustrated on the site plan received 20.09.2024.

The application has been amended, following consultation with the Councl's Tree Team, (detailed further below), with amended plans and a revised application description being agreed.

Summary of Consultation Responses

Tree Team

T2- T3- T4- T5- T6- Maples- Crown lift to 4M. T10 & T11 - Sycamore- Prune to clear light column. T13- Sycamore- Prune to clear building by 3M

> 'No observations'

T7- Maple - Remove tree (Removal due to visible lifting curbs and tarmac also residents claim its affecting drains) Re plant- x1 silver birch size-10-12 standard in more central location on grassed area where T7 is located.

> 'The maple T7 is a prominent mature tree with good amenity value, I found the maple to be in good health and condition, I note the kerb being pushed out by the roots, but did not note any other obvious infrastructure conflicts. The application fails to demonstrate that there are no alternative options available (removing the kerb seems a reasonable alternative to removing an important tree), and there is no evidence to suggest an issue with the drains that would necessitate removing the tree. On balance, the application fails to provide a sufficiently robust reason to remove T7, recommend refusal.'

Case officer comment: discussions have been undertaken with the agent, and now the proposal does not propose removal of T7. Instead, in line with recommendations from the Tree Team, the proposal for T7 is now instead to 'crown lift to 3m and a radial crown reduction of 1.5m' as an alternative to felling.

T8- Silver Birch- Remove tree (In an inappropriate location my client would prefer to remove and replant) and replant x1silver birch size- 10-12 standard in more central location on grassed area where T8 is located.

> 'T8 is well established but does grow close to the larger maple, the competition for space does limit the birch in terms of growth potential, and the maple is the finer specimen tree. I would agree to removing the birch with a condition to ensure replacement planting as proposed.'

T9- Ash- Remove- Signs of ash dieback. T12- Ash- Remove- Signs of ash dieback.

> 'I note some dieback in T9 which appears consistent with ash dieback, T9 is a relatively young tree with moderate amenity value (it can be seen clearly from Avondale Gardens), the loss of T9 would be softened by the neighbouring mature sycamore, and I agree removing T9 is a reasonable option in terms of ash dieback management. The dieback in T12 is very minor which, in my view, does not amount to a reason to fell the tree at this time. That said, T12 is quite suppressed by the surrounding trees, and I do not believe the loss T12 would have an overly negative impact to amenity.'

Publicity

A site notice was displayed at the site following receipt of the original application, and to the original site notice 6 objections from local residents were received. These are summarised as follows:

- Apposed to replanting of 10 – 12 trees
- Existing trees have been poorly maintained, therefore objection to further planting.
- Loss of light as a result of additional planting

- Would like T1 considered for removal due to impact of the roots onto private property

Case officer comment: T1 is located on highway land, therefore does not fall within the ownership of the applicant for this application. As such, this tree has been removed from the application description, and the agent has been advised that should they require any work to this tree, that residents can make a service request to the Council should they wish.

Furthermore, the concerns raised relating to the replanting of 10 -12 trees were as a result of the wording of the original application description. This has been updated on the amended site notice to make it clear that the replanting would be of one tree only to replace T8, that would be of a 10 – 12 size. A new site notice was displayed with this description and no further comments were received on the application.

Relevant Site History

None recorded.

Relevant planning policy

The following policies are relevant to this application:
- LDF Policy DM1
- NPPF Part 15

Assessment

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 (TPOs).

LDF Policy DM1 seeks to protect existing soft landscaping, including trees and hedges, where possible or provides replacement planting where necessary.

It is therefore considered that the main issue in this instance relate to whether there is sufficient justification for the proposed works to the protected trees. Having regard for the Tree Team's comments, given the proposal has been amended to omit the removal of T7 and replaced with crown lift, the proposal is in accordance with the comments from the Tree Team. The proposed replanting location has been agreed between the Tree Team and the applicant's agent and furthermore agreement confirmed from the agent to the inclusion and requirements of a condition recommended by the Tree Team.

As set out earlier in the report, the original submission of the application sought for the removal of T1 (ash) as it was showing signs of ash dieback. From assessment of mapping information, T1 lies within Highway land and the Council has responsibility for this tree. The agent was advised to remove this tree from the application, and residents can make a service request to the Council should they wish. Therefore, works to this tree do not form part of this application.

In relation to the comments received from notification / publicity undertaken (specifically the original site notice displayed), the concerns raised were in relation to the original wording of the application description and to the tree works proposed which inferred the replacement tree planting would include 10 – 12 trees. The replanting would be for one tree only, and the proposal has been readvertised through a new site notice with an amended description that makes this clear. From this, no further public comments have been received on the application.

Therefore, in this case, subject to conditions, there are no objections to the proposals and the works are deemed acceptable in the interests of good arboricultural practice. As a result, the scheme would accord with objectives outlined in relevant planning policies and guidance, subject to planning conditions detailed below.

Recommendation

Grant Permission with Condition

Conditions

1 The tree work to which this consent relates must be completed in full, no later than 2 years from the date of this consent and may not be carried out more than once, unless authorised by a further grant of consent.

In order that the works remain appropriate and suited to the present form and condition of the trees concerned, in line with LDF Policy DM1 and the NPPF.

2 The replacement tree planting proposed under this application shall be carried out in accordance with the approved details in the first available planting season (November to March) after the application tree is felled. The planting shall be undertaken in accordance with British Standard BS8545:2014 Trees: from nursery to independence in the landscape – Recommendations. The replanting location shall be in accordance with the site plan identifying the replanting location, received 20.09.2024.

The Council's Tree Team must then be informed in writing when the replacement scheme has been carried out so that they can then approve the completed works in writing.

If within a period of 5 years from the date of planting, the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the Council, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the Council gives its written consent of any variation.

In the interests of the visual amenity of the Tree Preservation Order site and to maintain continuity of local tree cover, in accordance with LDF Policy DM1 and the NPPF.

List of plans etc. for standard note on decision

Plan Reference

Aerial View Plan 04.07.2024
Application Form 03.09.2024
Site Plan with replanting received 20.09.2024

Case officer: Casey Scott

Signed: C.Scott

Date: 24.09.2024

Authorised Signatory: Helen Lynch

Date: 24/09/2024