South Tyneside Council

Reference:	ST/0415/24/TPOW
Location:	12 School Approach South Shields NE34 6DW
Ward:	Harton
Description:	Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO). TPO391 to remove tree at the front of the property.
Recommendation:	Refuse Permission
Case Officer:	Drewe Russell
Case Officer Contact No.:	0191 4247445 or 07765649865

Description of the Site and Proposal

The application relates to 12 School Approach, South Shields.

The application site is verge area to the front of a residential dwelling located in South Shields and the tree the subject of this application is a Whitebeam T1 protected by Tree Preservation Order 391.

The application seeks the removal of the tree. Justification submitted by the applicant in support of removing the tree refers to branches overhanging the property and telephone lines and falling debris causing damage and danger to property, residents and members of the public including school children travelling to the nearby Harton School. It is proposed that a replacement tree (cherry blossom) would be planted to compensate for the loss of the tree removed.

Summary of Consultation Responses

Tree Team

'Regarding the subject application, I visited the site on 13/08/2024 and found the whitebeam to be a healthy specimen in good condition, there is no evidence within the application to suggest the tree is anything other than reasonably safe. I would add the whitebeam features prominently within the street scene and has the appearance of a street tree. Whitebeam trees are commonly found growing within the highway verges throughout South Tyneside, they are chosen for their aesthetic quality and tolerance of the urban environment. In this respect, the application tree appears congruent with the character and appearance of the neighbourhood.

I have reviewed the information provided and I understand the salient reasons put forward to support the proposed felling are the presence of overhanging branches, problems associated with fallen fruit/debris, and the applicant wishes to adopt the land so they can move their boundary. While I acknowledge the difficulty associated with overhanging branches and fallen debris, this is part of the normal growth and seasonal processes of trees, in this case, the encroachment of branches does not appear unusual or excessive. The applicant's wish to adopt the land is individually subjective and carries little weight as justification for the proposed felling. I therefore believe the application reasons fail to amount to a sufficiently robust justification to remove a healthy protected tree'

Relevant planning policy

The following policies are relevant to this application:

Local Planning Policy
South Tyneside Local Development Core Strategy:

- LDF Policy DM1 (C)

National Planning Policy

- NPPF Part 12 – Achieving well-designed and beautiful places
- NPPF Part 15 – Conserving and enhancing the natural environment

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 (C) seeks to protect existing soft landscaping, including trees and hedges, where possible or provides replacement planting where necessary.

Paragraph 136 of the NPPF sets out that 'trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that … existing trees are retained wherever possible.' Likewise, paragraph 180 of the NPPF also highlights the importance of protecting existing trees.

The main issue to consider relates to whether there is sufficient justification for the removal of Tree - T1 (a Whitebeam), protected by Tree Preservation Order 391. As set out in the application form, the reasoning behind the proposed removal of T1 is due to overhanging branches and safety concerns.

The Council's Tree Team have been consulted on the application. The consultation response identifies that in line with national policy, there is a presumption towards the retention of trees protected by a TPO unless there is clear justification demonstrated by the application that there are no alternative options available. The Council's Tree Team considers that the loss of the Whitebeam tree - T1 would result in considerable harm to the amenity of the neighbourhood and not comply with South Tyneside Local Development Framework Policy DM1(C) and Paragraph 180 of the National Planning Policy Framework.

In this instance, the harm from the removal of the tree is not considered to be outweighed by other considerations.

To conclude, it is considered that the removal of the Whitebeam tree (T1) the subject of Tree Preservation Order no. 391(2023) would result in harm the amenity of the locality and would therefore be contrary to LDF Policy DM1 and the NPPF.

Public Sector Equality Duty

In deciding whether to grant planning permission the Council must have due regard to the 3 equality aims contained in Section 149 of the Equality Act 2010 (the public sector equality duty). A preliminary assessment of the potential equality impacts of any grant of planning permission in this case has been undertaken. There are no apparent equality impacts of the proposed development which give rise to the need to undertake a more detailed equality impact assessment.

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Having regard for the above it is considered that the proposal would result in significant harm to the visual amenity of the area and it is considered that the proposed development does not comply with relevant local and national planning policy and guidance. Consequently, this application is recommended for refusal.

Recommendation

Refuse Permission

Conditions

1 The Local Planning Authority considers that removal of the tree would have a harmful impact on the visual amenity of the area. The justification provided as part of the application for removal of the tree, does not provide sufficient evidence to justify tree removal. Therefore, the proposal would be contrary to Policy DM1 (c) of the South Tyneside Local Development Framework and Paragraph 136 of the National Planning Policy Framework.

Case officer: Drewe Russell

Signed: DR

Date: 11.09.2024

Authorised Signatory: G.Horsman

Date: 20/09/2024