

Our Ref: HD/CI/N81:2173

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By Email and Post: [elizabeth.kerr@northynteside.gov.uk](mailto:elizabeth.kerr@northynteside.gov.uk)

North Tyneside Council  
Quadrant  
The Silverlink North  
Cobalt Business Park  
North Tyneside  
NE27 0BY

Dear Ms Kerr

**Re: HOLYWELL ENGINEERING SITE, STATION ROAD, BACKWORTH  
TREE PRESERVATION ORDER 2017**

I refer to the above and recently issued formal notice regarding North Tyneside's formal notice of 13 December 2017 to issue a Tree Preservation Order at Holywell Engineering, Backworth.

I understand that the Order has been issued because the Council regards the trees as mature specimens, visible from the public highway at Station Road and the A186, and are an asset to the local environment. It is suggested that, collectively, they provide a high level of amenity to the surrounding area, and any loss of these trees would make a significant change to the landscape.

Our client has been in discussion with North Tyneside Council for a sustained period of time and submitted pre-application proposals to develop the wider site in 2017. North Tyneside Council has indicated that "in principle" it is supportive of proposals to convert Backworth Lodge, Daisy and Ivy Cottage as listed and non-designated heritage assets and of the wider proposals for new development subject to the resolution of various technical issues. The issuing of this TPO in respect of the G3 and G4 grouping is likely to place further restrictions and limit the ability to bring these development proposals forward in a timely manner.

Whilst we do not object to the proposed TPO in relation to the grouping of trees to the west of Backworth Lodge, we have significant concerns with the proposed grouping G3 and G4 as shown on the proposed TPO plan which are located to the east of Backworth Lodge. In particular, we would question why the grouping G3 is considered to be so visible that it significantly contributes to the amenity of the surrounding area given the presence of a large building in front of these trees.

ARCHITECTURE

St Judes  
Barker Street  
Shieldfield  
Newcastle upon Tyne NE2 1AS  
Tel: +44 (0)191 261 4442  
Fax: +44 (0)191 261 1090  
[info@idpartnership-northern.com](mailto:info@idpartnership-northern.com)  
[www.idpartnership.com](http://www.idpartnership.com)

SENIOR PARTNER  
Mark Massey Dip Arch RIBA

PARTNERS  
Roger Copestake BA(Hons) Dip Arch RIBA  
Keith Dillon BA(Hons) Dip Arch (Dis) M Arch RIBA

CONSULTANT  
Jane Massey BA(Hons) Dip Arch RIBA

ASSOCIATE  
David Moore ACIAT ACIOB

“Amenity” is defined through judgement and in this case, we feel there is an error in judgement when identifying the G3 and G4 grouping of trees. We would question whether selective removal of some of these trees (as currently suggested in our pre-application proposals) would have a significant negative impact on the local environment and its enjoyment by the public. North Tyneside has not submitted any evidence to show that the protection would bring a reasonable degree of public benefit in the present or future as advised by guidance prepared by DCLG in relation to TPOs (March 2014).

As stated above we do not object to the TPO in relation to G1, G2 and G5 which form a continuous grouping of trees. However, G3 and G4 are physically separate from these other trees due to the existing Backworth Lodge building. It is understood that when considering whether trees should be protected by an Order, Local Authorities are advised to develop ways of assessing the amenity value of trees in a structured and consistent way, taking into account the following criteria:

The guidance suggests:

#### **Visibility**

The extent to which the trees or woodlands can be seen by the public will inform the Authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

- From the B1322 direct views of the G3 grouping are also obscured by existing buildings and the G2 and G5 grouping of trees.
- The G3 grouping is concealed from view from the south by existing woodland to the east of a paddock field.

#### **Individual, Collective and Wider Impact**

Public visibility alone will not be sufficient to warrant an Order. The Authority is advised to also assess the particular importance of an individual tree, of groups of trees, or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

No evidence in relation to the above has been provided by the Council.

As previously stated, we agree that the G5, G2 and G1 groupings are important in terms of defining the character and setting of the conservation area and worthy of being protected.

A tree survey has been completed for the entire site and suggested that the G4 grouping of trees are category C2 - in other words, not of particular high quality.

Yours sincerely

A large black rectangular box redacting the signature of Hugh Daglish.

Hugh Daglish  
IDPartnership Northern  
Email: 