

**Item Number:** 13  
**Application No:** 19/00911/TPO  
**Parish:** Malton Town Council  
**Appn. Type:** Tree Preservation Order  
**Applicant:** Paul Sedman  
**Proposal:** Works to T1 Walnut, T3 Beech, T4 Sequoia, T5 Lime, T6 Beech, T7 Beech, T8 Lime, T9 Sycamore, T10 Chestnut and T12 Sequoia of TPO 133/1989 as specified in the submitted Tree Survey  
**Location:** 5 West Lodge Gardens Malton North Yorkshire YO17 7YJ  
**Registration Date:** 2 August 2019  
**8/13 Wk Expiry Date:** 27 September 2019  
**Overall Expiry Date:** 11 September 2019  
**Case Officer:** Rachael Balmer **Ext:** 43357

**CONSULTATIONS:**

**Malton Town Council:** Recommend approval

**Neighbour responses:** No response received

**1.0 SITE:**

1.1 5 West Lodge Gardens is a currently unoccupied dwelling set within a cul-de-sac development which dates from the early 1990s. It is adjacent to Castle Howard Road. As part of the development of the site, there was an extensive number of trees which border Castle Howard Road, but also extending across the site. A Group Tree Preservation Order was made and confirmed in 1989 (133/1989). The site is within the Malton Conservation Area, and the trees are an important feature as they are part of the former gardens for West Lodge, the property is still in existence.

**2.0 PROPOSAL:**

2.1 Permission is sought for a range of works. These are listed below. As it was a Group Order, individual trees are not identified. They have a reference in the survey for identification purposes. Any trees without works but referred to in the Agent's survey have not been included in the table below.

Reference	Species	Category	Proposed works
T1	Walnut	B	Sever Ivy and remove, remove dead wood from upper crown
T3	Beech	B	Crown lift to 3m over garden Remove dead wood Remove large decayed limb over carriageway
T4	Sequoia	B	Remove dead ivy Remove dead wood from mid crown
T5	Lime	C	Re-pollard to 3m to avoid undermining the crown of T4
T6	Beech	B	Crown lift to 5.1m over carriageway
T7	Beech	B	Crown lift to 5.1m over carriageway

			Remove dead ivy from main stem Reduce large amount of compost/leaf litter on root plate
T8	Lime	B	Crown lift to 5.1m over carriageway Remove epicormic growth Remove dead wood from upper crown Crown thin by 15%
T9	Sycamore	B	Reduce limb extending over neighbouring property by 2.5 m
T10	Chestnut	B	Crown lift limbs extending over neighbouring property to allow 1m clearance
T11	Maple	B	Crown thin by 15%
T12	Sequoia	B	Remove dead wood from mid crown

2.2 This application is brought before Members because it is a property which is on the Register of Member's Interests.

### 3.0 HISTORY:

3.1 No relevant planning history. One previous works to protected trees application which permitted the felling of 11 trees to as part of the development scheme, this was in 1990.

### 4.0 POLICY:

4.1 Whilst not strictly a planning application. It is an application under and subject to s.16 and s.17 the Town and Country Planning (Tree Preservation)(England) Regulations 2012, in accordance with s.202C of the Town and Country Planning Act 1990.

The Development Plan comprises:

The Ryedale Plan- Local Plan Strategy (2013)

The Policies Map (2019)

The Ryedale Plan- Local Plan Sites (2019)

The Yorkshire and Humber Plan (Regional Spatial Strategy)- York Green Belt Policies (YH9 and Y1)

The latter two components are not considered as part of this application.

The Ryedale Plan - Local Plan Strategy (5 September 2013)

Policy SP12 - Heritage

Policy SP15 - Green Infrastructure

Material Considerations:

National Planning Policy Framework (NPPF) (2019)

National Planning Practice Guidance

s.72 Planning (Listed Buildings and Conservation Areas) Act 1990: General duty as respects conservation areas in exercise of planning functions: special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

## **5.0 CONSULTATIONS:**

- 5.1 A brief summary of the position of statutory and non statutory consultees is included on the front sheet of the report Malton Town Council recommends the works. No other responses have been made.

## **6.0 APPRAISAL:**

- 6.1 The making and confirming of Tree Preservation Orders is undertaken in the recognition that over time, trees, particularly in urban areas, can need management to resolve any conflicts or potential harm to the tree. Most of the trees are either A or B categories (good condition) (a Lime is a C- fair condition) and no significant works are proposed to the trees which would result in their felling or any dramatic change to their extent which raised issues in terms of harming the growth habit of the tree or its amenity value.
- 6.2 The proposed works can be divided into two categories. The first are those which seek to undertake remedial, physical management: in this application these involve the modest reduction the length of specific limbs of concern or lifting/thinning of the crown, and in one case pollarding (Lime). Officers consider that the works, whilst creating a wound and a potential pathway for pathogens are on balance necessary. This is to reduce the risk of accidental harm to the trees. In terms of competition for space, which could result in harm to the tree's growing habit. In relation to the trees adjacent to the roads through vehicle strike, which could be much more structurally damaging. Trees could be damaged by property in strong winds (and vice versa).
- 6.3 Other works are those which are concerned with improving the environmental conditions for the trees such as the ivy severance, removal of dead wood and removal of compost from Root Protection Zone and the removal of epicormic growth (profusion of small braches on the main stem, which is common in limes). The proposed works comply with Policy SP15, which requires that development protects and enhances, amongst other elements of Green Infrastructure, street trees. There is also increasing recognition for the role of gardens within the context of Green Infrastructure and their contribution to supporting biodiversity capacity and resilience.

## **Conclusion**

- 6.4 It is considered that the schedule of proposed works is commensurate with ensuring the sensitive remediation of these protected trees and improving their environmental conditions. This will assist in ensuring their continued presence on the site without resulting in nuisance. Also, the works represent preventative measures to reduce damage to the trees overhanging the highway. This will contribute to ensuring that as a group of trees, their amenity value is sustained within the Malton Conservation Area.

## **RECOMMENDATION:                      Approval with the following conditions**

- 1            The development hereby permitted shall be begun on or before
- Reason: To ensure compliance with Regulation 17 (4) (a) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012
- 2            The cutting back of branches as specified in the submitted description and removal of dead wood shall be undertaken in accordance with BS 3998:2010 Tree work. Recommendations.
- Reason: In the interests of good arboricultural practise and visual amenity.