

Item Number: 7
Application No: 20/01135/TPO
Parish: Kirkbymoorside Town Council
Applicant: Mr Colin Hesford
Location: Land Off West Lund West Lund Kirkbymoorside North Yorkshire
Proposal: Removal of T10 - Scots Pine and removal of T11 - Scots Pine of TPO 277/2001

CASE OFFICER: Matthew Stubbings, Tree and Landscape Officer extn. 43292

CONSULTATIONS:

Kirkbymoorside Town Council Support subject to replanting

Representations: 5no. support
1no. objection

Overall Expiry Date: 26 December 2020

THE DEVELOPMENT PLAN POLICIES

Policy SP13 Landscapes
Policy SP14 Biodiversity
Policy SP15 Green Infrastructure Networks
Ryedale Plan Local Plan Sites Document and Policies Map

STANDARD MATERIAL CONSIDERATIONS:

The National Planning Policy Framework (2019)
The National Planning Practice Guide
The Town and Country Planning (Tree Preservation)(England) Regulations 2012
Policy ENV6 The Yorkshire and Humber Plan: Regional Spatial Strategy to 2026

OTHER CONSIDERATIONS:

Ryedale District Council – *Our Climate Change Commitment*

PROPOSAL:

Removal of T10 - Scots Pine and removal of T11 - Scots Pine of TPO 277/2001

SITE

The two Scots Pine trees (T10, T11) are subject to a Tree Preservation Order 277/2001. They are situated on open space managed by a third-party grounds management company. The applicant's property is Alnthorpe, West Lund, Kirkbymoorside, North Yorkshire, YO62 6AP.

HISTORY:

04/01175/TPO Two Pines (T8,T9) following damage that occurred to the trunks and root systems of both trees during the removal of a temporary sales office earlier in the year were found to have a reduced life-expectancy and therefore felling and replacement was considered to be appropriate.

CONSULTATIONS (Full details of the following representations are available on the RDC website)

SUPPORT:

Kirkbymoorside Town Council - support subject to replanting condition. Cllr Shipley commented that Little Owls roost in the tree.

AJ Clark - on behalf of the directors of the estate management committee supports the application. The Committee feed back to the property management company (Town and City Management Ltd) that are responsible for the maintenance of the trees and open space adjacent to the applicant's property. Mr Clark says that the trees have caused damage to the applicant's property and are affecting the cobbled parking area.

Chloe Straker, Town and City Management Ltd – supports the application being made stating that Mr Clark had raised concerns about the trees affecting the safety of the path and pines falling on passers-by.

Cllr Tony Riby, RDC – supports the removal of the trees and replacement with trees more in keeping with the location.

John and Carol Woodward, Plumtree Cottage, Kirkbymoorside – live nearby and state that they suffer “*constant pollution*” caused by the two trees.

Ian and Denise Jefferson, Holly Garth - live nearby and state that they suffer “*constant pollution*” caused by the two trees.

OBJECTION:

Matthew Pollard, 43 Ings Lane, Kirkbymoorside states that they are "*...appalled that these two protected trees are up to be felled. We are in the middle of a climate emergency where every tree matters. They remove vital CO² from our atmosphere and are pivotal for our native birds to survive, which are in decline due to lack of nesting places and habitat destruction.*

Our own government are trying to push cities and towns to plant more trees because of the host of benefits they bring. I urge you please make a stand for climate emergency and not allow this to happen.

I would also like to point out the huge uproar caused when Grace Lane vets felled a tree with a TPO. It simply is right. Also, what is the point in giving trees a TPO if all people have to do is ask to fell them. That isn't really giving them any protection is it?"

PROPOSAL

Permission is sought to remove the two protected Scots Pine trees for the following reasons:

- The trees have dropped branches onto the car port in the past and have caused significant damage that required full rebuild of the car port.
- The trees have damaged applicant's driveway twice
- Damaging block paved driveway (third party land)
- Damage to car (prior to erection of car port)
- Improve the environment by replacing the trees with more suitable trees
- Seeking to remove the trees to avoid future damage
- Applicants are elderly and find the upkeep increasingly difficult to clear up after the tree
- Safety fears due to twigs/branches falling off the tree

APPRAISAL:

Are the tree healthy?

The trees were found to have reasonable health and form. These evergreen trees are mature in age, prominent and stand at around 10m in height. The crowns are relatively compact and although some of the branches on the southern side of the crowns overhang the applicant's property, they do not appear to overhang excessively. There were no obvious visible defects. No fungal fruiting bodies were observed in the crown, on the trunk or roots.

Have the trees been maintained?

The planning history indicates that no applications to prune these trees have been made since the TPO was made in 2001. It is understood that the trees have dropped branches since the time that the TPO was made. Trees are self-optimising dynamic growing structures that experience changes affected by time, weather and other factors. It is normal for trees to build up dead and hanging branches but this can be identified through a system of periodic inspection and rectified by remedial pruning. Landowners (or in this case a maintenance company) have a duty to ensure that the trees are in a reasonable condition and carry out maintenance to prevent dead branches from falling onto the applicant’s property.

No historic pruning wounds were seen on the trunk or within the crown. I note that the trees currently have minor deadwood and hung up branches in the crown – removal of these branches could be carried out without prior consent from the Council under an exemption in the TPO regulations.

Are the trees safe?

An appraisal of the risk that these trees pose was carried out using the Quantified Tree Risk Assessment method, an internationally recognised and licensed tree evaluation methodology. The probability of the tree causing significant harm was found to be extremely low.

Is there evidence that the trees are causing damage?

The site visit indicated that there was some disruption to the paved parking area outside of the applicant’s control. Three small paving blocks were missing. The paving could easily be rectified without the need for tree removal of T11 seen in the photograph below. No supporting evidence has been provided to confirm that the raising of the paving is caused by tree roots.



The following photographs indicate that there is no obvious harm that has been done to the car port or the surface of the driveway and no specific details have been provided by the applicant as to what harm has been done to the car port.



Do the trees offer significant amenity?



The two trees provide a softening effect on the built environment. Since the trees are evergreen, they offer year round visual interest and an attractive verdant backdrop to the estate from the A170 as well as within the estate. The trees offer significant public amenity and have the potential to continue to do so for many years to come. The trees also provide habitat for birds. Councillor Shipley, on behalf of Kirkbymoorside Town Council commented that “*Little Owls roost in the tree*”.

APPRAISAL

Not wishing to trivialise the concerns that the applicant has raised regarding the potential the tree to drop branches, cones and needles in future; it is not in any way unusual for trees to shed various debris, leaves, twigs, seeds, sap, etc. I note that on the day the site was visited there was no debris on the driveway, mostly one assumes, as a result of the car port capturing intercepting debris.

Branch failures are unforeseeable events of which any tree owner has little if any control over. I cannot comment specifically on historical branch failures that are reported in the application, however the submitted photographs that show branches on the applicant’s car (prior to the erection of the car port)

shows that the branches were snow-covered. It is normal of trees that become end-weight loaded to crack or fail during a heavy snow event. Nevertheless, it is the duty of the landowner (or in this case a maintenance company) to ensure that the trees are in a reasonable condition and carry out maintenance to remove dead/broken branches to prevent them from falling onto the applicant's property.

No convincing evidence has been provided to show that the trees are damaging the driveway or have done so historically.

Whilst it is acknowledged the application has six representations in support of the proposed removals, they do not represent material considerations for which a tree's removal could be justified. The purpose of a Tree Preservation Order is to protect trees that bring significant amenity benefit to the local area.

CONCLUSION

The trees are healthy, do not appear to have been maintained for twenty years, are safe, and have significant public amenity. The application is devoid of any technical evidence or detail that substantiates that the trees pose an imminent or unacceptable risk to persons or property or that they are causing direct damage to either the owner's parking area or the applicant's driveway, car port or garage. In the absence of such technical information the Council cannot make an informed decision on the application.

The trees are considered to be locally important landscape assets; hence the making of the Tree Preservation Order. The proposed tree loss so as to affect their amenity contribution would conflict with the making of the TPO in the first instance. Whilst it is commendable that the applicant offers to replant new trees, it would take many years for the new trees to provide the same amount of amenity and therefore this proposal is not considered to provide a sufficient mitigation to be acceptable.

In that context the trees are deemed to be healthy and viable and their premature loss would result in a detrimental impact upon the wider public amenity.

For the reasons outlined above I therefore recommend that the application is refused.

RECOMMENDATION: Refusal

1. Insufficient justification has been provided to support the felling of T10 and T11 Scots Pines within Tree Preservation Order No. 277/2001. The trees are considered to make an important contribution to the character of the designated Conservation Area and their loss is considered to be detrimental to the visual amenity of the locality. The proposed loss of the trees is therefore unjustified and would be contrary Policy SP15 (Green Infrastructure) of the adopted Ryedale Plan- Local Plan Strategy, and the consideration of protected trees as set out in the National Planning Practice Guidance.