

## COMMITTEE REPORT

**Date:** 4 August 2016                      **Ward:** Rawcliffe and Clifton Without  
**Team:** Design, Conservation & Sustainable Development                      **Parish:** Clifton Without Parish Council

**Reference:** 16/01342/TPO  
**Application at:** Clifton Moor Centre, Stirling Road, York  
**For:** Fell 91no. trees protected by Tree Preservation Order no.: CYC344  
**By:** Clifton Moor RP GP Limited  
**Application Type:** Tree Preservation Order  
**Target Date:** 27 July 2016  
**Recommendation:** Partial Approve/Partial Refuse

### 1.0 PROPOSAL

1.1 This is an application to fell 91no. trees within Area 3 (A3) of tree preservation order (TPO) CYC344 Clifton Moor Centre, York (2015), including Birch, Ash, Rowan, Oak, Poplar, Sycamore and Alder.

1.2 The application does not seek to remove all of the trees within Area 3. The application seeks to thin out the existing trees by removing 91no. trees out of an existing total of approximately 185no. within the blocks of planting that relate to this application, i.e. approximately half of the existing trees. The proposal includes the provision of 11no. replacement trees, thereby resulting in a total of 105no. trees to remain in place.

1.3 The tree locations have been broken up into a series of sections/blocks by the applicant which are referred to in this report. The applicant's approach for sections 1, 2, 3, 4, 5A, 5B and 6 is to thin the trees and plant some replacement trees. Within Section 5C the trees have been left to grow so close together that within the whole group there were no obvious good specimens for retention, so the approach is to remove all the trees, improve the soil and replant with a selection of native trees at a more suitable density.

1.4 This application has been called in to committee by Cllr Warters who is concerned about the removal of landscaping around developments in Clifton Moor and the resulting loss of public amenity, and the impact on the Green Belt and Biodiversity.

## 2.0 POLICY CONTEXT

### 2.1 Policies:

CYNE1 Trees, woodlands, hedgerows  
CYGP9 Landscaping

## 3.0 CONSULTATIONS

### EXTERNAL

#### Clifton (Without) Parish Panel

##### 3.1 Object to the application

The trees soften the environment, cut out the noise of the ring road, and support wildlife. However the PC would take advice from the Landscape architect if the work is deemed essential for the remaining trees to flourish.

#### Publicity and Neighbour Notification

3.2 Over 120 letters of objection have been received. No letters in support of the application were received. The following provides a summary of the points raised:

- There is no hard evidence that these trees are the reasons for the reduced custom at the Clifton Moor Centre retail park.
- The business is let down by the poor layout of the estate; the dated design; and the range of retail on offer; competition from internet shopping, and other outlets, e.g. Vangarde and Monks Cross (which have more quality tree cover).
- Removing the trees would increase surface water run off.
- The trees improve the attractiveness of the area, which is otherwise dominated by buildings and hard surfacing.
- The trees enhance the shops and retail experience, rather than detract from them.
- The shops are visible from the ring road already, especially for six months of the year when the trees are not in leaf. The trees provide a light screen but do not obscure the view of the retail units underneath the crowns of the trees. The hedge obscures views; this could be trimmed at a lower height.
- The shops are clearly signposted and advertised. Signs could possibly be made bigger.
- Removal of the trees would encourage ring road drivers to be distracted when they should be concentrating on the road.
- Trees with protection should not be felled.
- The trees were planted as a condition of the original planning permission for the development.

- Removal of the trees would be counter-productive, exposing shoppers to the noise and visual disturbance of the ring road.
- The trees provide a green corridor for wildlife.
- The trees help 'absorb' traffic pollution and CO2 and improve air quality.

## 4.0 APPRAISAL

### 4.1 Key Issues:

- Public amenity
- Setting of the City
- Integrity of green corridor
- Landscape setting for retail development

4.2 The tree belt adjacent to the outer ring road along the boundary with the Clifton Moor Centre retail park, consists of a mix of predominantly native species, including Alder, Ash, Birch, Oak, Poplar, Sycamore, and Rowan. The trees were planted as part of the landscape infrastructure of the retail development.

4.3 The trees were planted at close spacing which would provide quick cover. The soil appears to be poor, stony and slightly compacted. The trees should have been thinned out as the trees grew, to eliminate competition in favour of the better specimens. However the trees have not been thinned out in the intervening years. As a result, the trees have grown up in tight competition with each other, resulting in leggy trees; some are misshapen and/or exhibit a lot of deadwood.

4.4 A provisional tree preservation order (TPO) was served in October 2015 for the following reasons:

'The belt of trees located between the access roads for Clifton Moor Retail Park and the outer ring road (A1237) are considered to be an essential component of the highly visible landscape infrastructure of the retail development, and the setting of the city. The trees (and hedge) can be suitably managed to allow views in to the development whilst retaining a suitable landscape setting. Potentially the trees are no longer protected by conditions of planning consent; therefore it is felt expedient to serve a tree preservation order to protect the integrity of the tree belt and the public amenity that it affords.'

4.5 It was recognised at the time of serving the order that some thinning, and possible replacement planting, would be required. Given the number and density of trees an area order was served.

4.6 The TPO consist of three areas – Area 1 (A1) along the western boundary of the wider retail park; Area 2 (A2) along the Tesco half of the northern boundary adjacent to the A1237; and Area 3 (A3) along the Dunelm Mill half of the northern boundary

adjacent to the A1237. The trees subject to this application are contained within Area 3 (A3).

4.7 The original tree report (carried out on behalf of the Clifton Moor RP GP Ltd before the serving of the TPO) recommended that the trees were of such poor condition that they should all be removed. Following the serving of the provisional order, the tree report was revised with suggestions to remove trees under a diameter of 150mm and within 1m distance of the retail park roadside kerb. The local planning authority felt that this approach was too general and broad-brush; and it would be more appropriate to carry out an inspection of all the trees individually to determine which should be removed in order to favour the specimens with a better, long-term viability.

4.8 Whilst the local planning authority acknowledged that some management works, including felling of trees would be required, it was deemed appropriate to confirm the order and agree any management operations under the TPO process. Thus the TPO was confirmed in April 2016.

4.9 Where consent is granted to remove a tree subject to a TPO, the planting of a replacement tree can be imposed as a condition of consent, including specifying the size, species and location of the replacement tree.

4.10 The majority of the recommended work within the application is considered to be good arboricultural management. Some of the proposed felling is not essential for health and safety reasons at this time, but is deemed acceptable due to, for example, the poor form or condition of the tree, provided replacements are secured under condition.

4.11 Despite the relatively poor form of a high proportion of the trees, as a whole they provide a distinct, highly visible, landscape feature in the area, and enhance the setting of the city as viewed from the outer ring road, and contribute to the setting of the retail park; they also contribute to the green infrastructure associated with the ringroad.

4.12 In the officer's opinion it is not necessary to fell trees in order to open out views to shops. Visibility of the shops from the ring road can be achieved by crown lifting the lower branches of the trees and reducing the height of the hedge and shrubbery. The vast majority of trees within the park are deciduous, thus for six months of the year, the full height of the tree belt is transparent.

4.13 There are a number of likely reasons as to why there has been a drop in business at the retail park that are not related to the existing trees. Trees play a critical role in the amenity of a retail park development, and research suggests that trees contribute to a positive retail experience.

4.14 It is the Officer's opinion that the proposed thinning operation has merit in its aim to allow better growing conditions for the remaining trees and any replacement trees. However the proposed work represents too much work for one single operation due to the noticeable loss to the public amenity that would result.

4.15 It is likely that the remaining trees will perform a lot better and fill out somewhat, however it is not possible to accurately predict their performance.

4.16 The success of replacement planting will depend on the quality of the planting stock, suitable ground preparation (including the importing of organic matter, given the current poor soil conditions); plus adequate aftercare.

4.17 Therefore it would be more appropriate to phase the thinning works so that the visual loss is limited and phased; and an assessment can be made of the success of the remaining trees, and also the success of the replacement planting, which should survive and thrive, before another phase of thinning is embarked upon.

## **5.0 CONCLUSION**

5.1 It is deemed appropriate to embark upon a series of management operations in order to reduce the competition between the trees which is causing a number of the trees to be weak, elongated, misshapen and/or dying back. However it is felt that this should be carried out over a time span of several years in order to reduce the immediate loss to the visual amenity, and to seek assurance that the proposed approach to the management of the trees can be successful.

5.2 Due to the close proximity of the remaining trees to one another there is limited scope for replacement planting. However, within Section 1, the number of trees proposed for removal would create a reasonable gap in the remaining planting to allow some new tree planting at more suitable spacing, within prepared ground, and with suitable follow up maintenance.

5.3 The recommendation is to 'part refuse and part approve' the application with a condition to replace some of the trees to be felled. The officer's recommendation is to allow the proposed works to Sections 1 and 2 and to refuse the remainder of the work (sections 3, 4, 5 and 6). The proposed removals within sections 1 and 2 are fairly typical of that proposed for all six and include scope for replacement planting. Therefore they are good sample blocks for approval at this stage. Furthermore it seems logical to carry out the work sequentially. However there are other potential options. Approving the work to sections 1 and 2 would result in the removal of 28 trees, the retention of 19 and the planting of 5 new trees.

5.4 Some of the felling is recommended to be refused (sections 3 – 6) because the trees still serve their function as cited under the TPO and are in such a condition that they could be retained under suitable management, at least for some years. It is recognised that thinning and replanting operations are required.

However a phased management programme would be more suitable in order to limit the loss to public amenity and to be certain that the proposed approach will be successful in improving the quality and viability of the long term tree cover.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Partial Approve/Partial Refuse**

Proposed works to sections 1 and 2 as shown on drawing 9171A – 131 submitted with the application are APPROVED subject to the following conditions:

- |   |       |                                       |
|---|-------|---------------------------------------|
| 1 | TREE1 | All works to retain overall character |
| 2 | TREE2 | Carried out in accordance BS3998      |
| 3 | TREE4 | Valid for two years                   |
| 4 | TREE5 | Branch wood not burned                |
| 5 | TREE7 | Replanting                            |

6 Before the trees are removed, a scheme for the planting and maintenance of replacement trees shall be submitted to and approved in writing by the local planning authority; these works shall be carried out as approved. These details shall include soil preparation; and the position of planting; means of support and watering; and a maintenance programme. The works shall be carried out in the first available planting season (November to March) following the removal of the first tree. The replacement trees shall be 4no. Silver Birch, or other species to be agreed in writing by the local planning authority. Nursery stock shall be to a minimum size of 10-12cm girth (measured at 1metre above soil level), and 3.0-3.5m high, with one strong main leader.

If within a period of five years from the date of the planting of that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written approval to any variation.

- |   |        |                  |
|---|--------|------------------|
| 7 | TREE9  | Rights of Appeal |
| 8 | TREE10 | Compensation     |

Proposed works to sections 3, 4, 5, and 6 as shown on drawing 9171A – 131 submitted with the application are REFUSED for the following reason:

1. The proposed felling is refused because the trees still serve their function as cited under the Tree Preservation Order and are in such a condition that they could be retained under suitable management, at the present time. It is recognised that thinning and replanting operations are required.

However a phased management programme would be more suitable in order to limit the loss to public amenity and to be certain that the proposed approach will be successful in improving the quality and viability of the long term tree cover.

## **7.0 INFORMATIVES:**

### **Contact details:**

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