

COMMITTEE REPORT

Date: 6 February 2020 **Ward:** Osbaldwick and Derwent
Team: Design, Conservation & Sustainable Development **Parish:** Dunnington

References: 19/02692/TPO and 19/02693/TPO
Applications at: Grimston Court, Hull Road, Dunnington, York, YO19 5LE
For: Various tree works including the felling of 99 trees protected by Tree Preservation Order no. 3/1973
By: Stan Timmins and Sons Ltd
Application Type: Tree Preservation Order
Target Date: 10 February 2020
Recommendation: Partial Approve/Partial Refuse

1.0 PROPOSAL

1.1 Two separate tree works applications have been submitted, both at Grimston Court, Hull Road, Dunnington, York, YO19 5LE:

- 19/02692/TPO - Various tree works including the felling of 49 trees protected by Tree Preservation Order no. 3/1973.
- 19/02693/TPO - Various tree works including the felling of 50 trees protected by Tree Preservation Order no. 3/1973.

The arboricultural consultant who produced the tree report and submitted the above, split the site into two applications. For the purpose of this report the two applications will be considered as a whole. The combined proposals include felling 99 trees, also the pruning, dead wooding, removal of ivy, crown lifting, and crown thinning and crown reduction to a further 62 trees.

1.2 The applications do not seek to remove all of the trees within the grounds. The applications seek to thin out the existing trees by removing 99 trees out of an existing total of 496 trees, i.e. approximately 20% of the existing overall number of trees.

The tree locations referred to in the application tree report have been broken up into a series of sections/blocks for ease of reference – see Appendix 1.

1.3 The options are to i) refuse the application in total; ii) approve the application in total; or iii) allow some of the works and refuse the rest, which could be a number of variations.

1.4 This application has been called in to committee by Cllr Warters who is concerned about the removal of a large number of trees protected by a Tree Preservation Order.

2.0 POLICY CONTEXT

2.1 City of York Publication Draft Local Plan 2018

GI 1 Green Infrastructure

GI 4 Trees and Hedgerows

2.2 City of York Council Development Control Local Plan 2005

CYNE1 Trees, woodlands, hedgerows

CYGP9 Landscaping

3.0 CONSULTATIONS

EXTERNAL

Dunnington Parish Panel

3.1 Dunnington parish council object to the two applications. Representatives from the parish council were in attendance when the council officer twice visited the site. The following provides a summary of the parish council's comments:

- Any trees felled should be conditioned as replaced with trees of a reasonable size and suitable so there is no overall loss of tree canopy cover.
- Little recognition that fungal growths are a natural part of the life cycle of a tree, which feed other species and promote diversity in both wildlife and vegetation.
- While there may be safety reasons for felling a small number of trees, removing a significant number of mature trees would have a major visual impact on both the A1079 and the York Road entrance to the village.
- The importance of mature trees cannot be over-emphasised in relation to improving air quality, particularly given the proximity of Grimston House to the A1079, the A64 and the Grimston roundabout which all have large volumes of traffic for many hours of the day. In addition, they provide sound screening for the Grimston House residents. It is also important to emphasize other advantages for the residents of Grimston House in that they are surrounded by an environment which is rich in biodiversity and tree cover which is beneficial for their mental and physical health.
- Dunnington Parish Council believes that both of these applications run counter to environmental initiatives to tackle climate change, boost wildlife and boost mental health.

Publicity and Neighbour Notification

3.2 In response to the two applications, six objection letters were received from four different people. No letters in support of the application were received. The following provides a summary of the points raised in the letters:

- the trees act as a means of reducing traffic noise, reducing pollution as well as being aesthetically pleasing.
- The area has a high water table and the trees help to reduce this and the associated risk of flooding.
- The trees help improve the local air quality and reduce CO2 in the area.
- The trees are an attractive mix of types and provide a very attractive visual amenity in the area and from along the Hull road.
- The trees provide an essential habitat for wildlife, including nesting birds.
- The trees provide a protective windbreak for neighbouring properties and along the busy Hull road.
- All political parties in the recent election agreed upon the urgent necessity of planting many more trees to help fight climate change.
- No mention is made of requirements to replace any felled trees.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues in the assessment of this proposal are the impact upon:

- Health and safety
- Public amenity
- Setting of the City
- Integrity of green corridor
- Landscape setting for the nursing home

LEGISLATIVE BACKGROUND

4.2 In considering applications for consent under a Tree Preservation Order, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.

In certain circumstances, compensation may be payable by the local planning authority for loss or damage which results from the authority refusing consent or granting consent with conditions.

POLICY CONTEXT

National Planning Policy Framework

4.3 Section 15. Conserving and enhancing the natural environment

170. Planning policies and decisions should contribute to and enhance the natural and local environment by:

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

4.4 The trees were planted as part of the landscape infrastructure of Grimston Court, currently a 47 bedroom residential care home, set in secluded private grounds on the outskirts of York. The Grade II listed building was built in 1903 as a large country house designed by W Brierley for JJ Hunt in an informal Arts and Crafts style described as “Jacobethan” in the list description.

4.5 The grounds comprise of open grassland, formal garden areas and woodlands of mixed age and species. The site is bounded by the A1079 to the south, Bore Tree Baulk to the East, Thorn Tree Field to the West and open fields to the North. The trees were planted at close spacing which would have provided quick cover. The trees should then have been thinned out as the trees grew, to eliminate competition in favour of the better specimens. However the trees have received limited attention 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. Previous tree works on the site has largely been reactionary to eliminate immediate health and safety risk to either the property itself or to Hull Road/York Road along the southern boundary.

4.6 The Tree Preservation Order (TPO) was served in 1973; it is still very relevant today, and serves to provide a valuable public visual amenity from all directions. The trees screen both noise and sight of the A1079 and Bore Tree Baulk. Given the number and density of trees it was simplest to serve an area/group/woodland tree preservation order to cover all the trees contained within the site with no individual trees specified.

4.7 Stan Timmins and Sons Ltd carried out an arboricultural general survey of the site on behalf of their client Welburn Care. This was submitted with the application. There are no current planning applications submitted on this site other than this application to carry out the various tree works. The tree survey was carried out in November 2019. The tree report runs to 348 pages and summarises that 496 trees over 50 mm in diameter were surveyed, identified and plotted on a map.

4.8 Of the 496 trees listed in both applications overall 99 trees were recommended for felling. Of the 99 trees many were found to be dead, dying, diseased, unstable, heavily suppressed by neighbouring trees and in general poor condition. Whilst some trees appeared to be in general good health there is clearly a problem on the site causing the death of some varieties. The report indicates a variety of pest, disease and fungal fruiting bodies which was evident at the two site inspections. The very wet conditions in sections of the grounds is also not conducive to good growing conditions for many varieties and may also be contributing to the demise of some trees.

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 tree report is to be good arboricultural practice. Some of the trees pose a significant threat to life and property due to the health and position, whilst others do not pose any significant risk but are either dead, dying or are in a very poor condition. However, some of the proposed felling are not considered essential for health and safety reasons and those trees are recommended to be retained with suggested alternative work. Work to many of the trees on the site includes pruning, removal of dead wood, over extending branches, broken branches removal of dead and diseased wood and this would be considered good practice and would ensure the longevity of these trees.

4.11 Despite the relatively poor form of a proportion of the trees, as a whole they provide a distinct, highly visible, landscape feature in the area, and enhance the setting of the nursing home as viewed from the adjacent roads, and contribute to the setting of the area; they also contribute to the setting of the entrance to Dunnington village.

4.12 In officer's opinion it is not necessary to fell all trees specified in order to comply with health and safety requirements. The grounds are large and not all areas are readily accessible to staff and residents. Some trees could safely be retained in the interim until new trees have been planted or the existing, dominant trees have grown to close canopy gaps. A number of these retained trees will require work to make safe – these works are summarised in Appendix 2.

4.13 It is 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 officers have concern that the proposed work represents too much work for one single operation due to some loss to the public amenity that would result.

4.14 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.

4.15 The success of replacement planting will depend on the quality of the planting stock, species choice, suitable ground preparation, plus adequate aftercare.

4.16 Therefore it would be more appropriate to phase the thinning works so that the visual loss is spread over a period of time; 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 The tree stock on this site not only provides a very high attractive amenity value they also provide valuable wildlife habitat, absorbs CO2 emissions, contributes to reducing the water table, assists in the reduction of noise pollution and provides a windbreak.

5.2 The tree stock on this site has not been well maintained for a number of years which has contributed to the poor condition of many trees. The high water table may well have contributed to the spread of disease such as Honey fungus. The mature age group combined with overcrowding of trees is also contributing to the demise of many trees.

5.3 Consequently, it is felt that most of the proposed tree felling is acceptable, but some is unnecessary at this time. The removal of some of the trees presents an opportunity to replant with more suitable species of young, healthy stock.

5.4 The recommendation is to 'part refuse and part approve' the application with a condition to replace all of the trees to be felled. This would allow the majority of the proposed works; to approve the removal of 71 trees; to refuse felling of 28 trees, and in some cases with lesser works allowed, as summarised in Appendix 2.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Partial Approve/Partial Refuse

1 REFUSED WORK

The felling of 28 no. trees shown in Appendix 2 is refused, with lesser alternative works approved as shown in the table.

Reasons for part refusal: Some of the felling is refused 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.

2 APPROVED WORK

All other tree work, not shown in the Appendix 2, is approved.

Reasons for part approval: It is recognised that thinning operations are required. However a phased management programme would be more suitable in order to limit the loss to amenity and ensure long term tree cover.

3 All works should retain the overall shape, form and character of the tree(s).

Reason: To maintain the aesthetic value of the trees and their contribution to the amenity of the area.

4 All works should be carried out in accordance with BS3998.

Reason: To ensure that the trees are properly maintained in line with current standards.

5 This consent is valid for two years from the date of the notice.

Reason: In accordance with the Department for Communities and Local Government Guide to Tree Preservation Orders and trees in conservation areas 2014.

6 The branch wood should not be burned but be either chipped or otherwise removed from site.

Reason: In the interests of the protected trees, public safety and nature conservation.

7 There is a duty under the Town and Country Planning Act 1990 to replant with similar/more appropriate species or species as agreed with the Local Planning Authority.

Reason: Requirement under the Town and Country Planning Act 1990.

8 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 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.

9 If you disagree with our decision, you can appeal to The Planning Inspectorate. If you want to appeal, you must do so in writing to The Environment Appeals Team, Room 4/04 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN, Telephone: 0117 372 8192, e-mail it to: Environment.appeals@pins.gsi.gov.uk within 28 Days from the date you receive this decision.

10 If you suffer any loss or damage as a result of this refusal of consent/imposition of conditions, you may be entitled to recover from the Council compensation. If you wish to make a claim you must do so within 12 months from the date of this decision (or, if you appeal to the Secretary of State, within 12 months from the date of his decision). Claims should be made in writing to the City of York Council, West Offices, Station Rise, York YO1 6GA, Tel: 01904 551550.

7.0 INFORMATIVES:

TREE8 Wildlife and Countryside Act

Under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to intentionally damage or destroy any birds nest whilst it is in use being built or to deliberately damage or destroy a bat roost.

Reason: Requirement under Section 1 and 99 of the Wildlife and Countryside Act 1981.

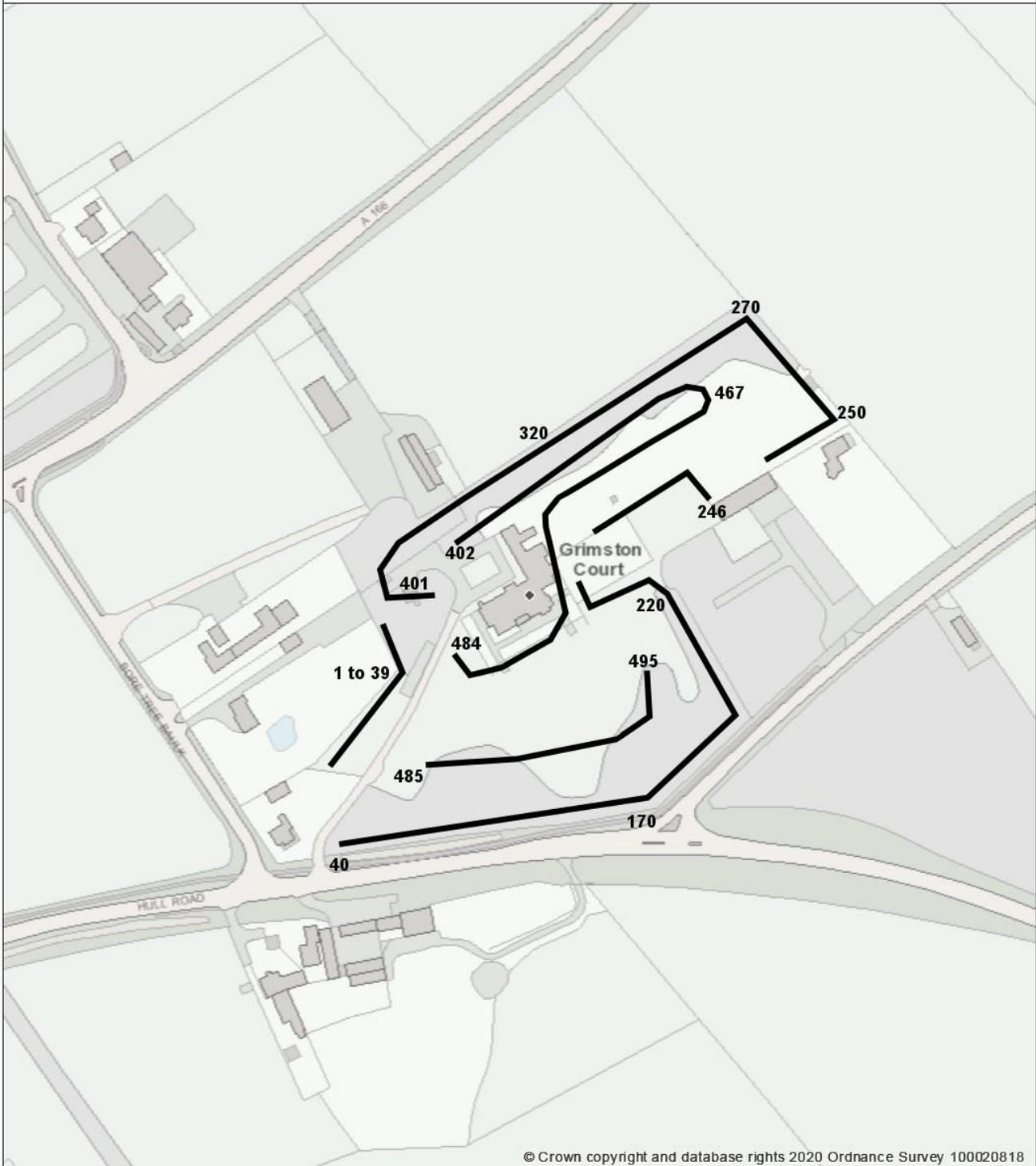
Contact details:

Author: Brian William, Tree Conservation Officer

Tel No: 01904 551168

Appendix 1 – Tree location summary – trees numbered ‘T’ in applicant’s tree report

Grimston Court, Hull Road, Dunnington



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Date: 2020

Author: City of York Council

Scale: 1:2,500



Appendix 2 – Refused works, with approved alternative works

| Tree ID | Tag No | Common Name | Proposed Work Item | Tree Report Comment | Decision | Approved alternative works/comments |
|----------------|---------------|--------------------|---------------------------|--|-----------------|--|
| T6 | 67 | Field Maple | Fell to ground level | Rot in crotch, poor branch attachment adjacent to driveway remove tree | REFUSE | Pruning and monitor |
| T12 | 74 | European Larch | Fell to ground level | | REFUSE | Monitor |
| T18 | 80 | Crab Apple | Fell to ground level | | REFUSE | Crown lift and cut hedge back |
| T21 | 82 | Caucasian Fir | Fell to ground level | Poor specimen very weak tree | REFUSE | Poor Specimen but not unhealthy |
| T29 | 90 | Black Poplar | Fell to ground level | | REFUSE | Crown lift and cut back neighbouring vegetation |
| T38 | 99 | Mountain Ash | Fell to ground level | | REFUSE | |
| T79 | 142 | Lawson Cypress | Fell to ground level | | REFUSE | Although heavily suppressed still a healthy tree |
| T120 | 183 | Sycamore | Fell to ground level | | REFUSE | Pollard |
| T134 | 197 | Manna Ash | Fell to ground level | Tree is in extremely poor condition adjacent to highway | REFUSE | Pollard |
| T136 | 199 | White Willow | Fell to ground level | Hazard tree, indications of recent movement. Leaning into grounds. Tree is retrenching badly | REFUSE | Pollard |
| Tree ID | Tag No | Common Name | Proposed Work Item | Tree Report Comment | Decision | Approved alternative works/comments |

| | | | | | | |
|----------------|---------------|-----------------------|---------------------------|---|-----------------|--|
| T140 | 203 | Myrobalan Plum | Fell to ground level | Tree is slowly falling apart adjacent to highway | REFUSE | Pollard |
| T150 | 213 | Weeping Willow | Fell to ground level | Heavily suppressed leaning into road poor specimen fell | REFUSE | Pollard |
| T188 | 250 | Goat Willow | Fell to ground level | Stem has significant structural weaknesses | REFUSE | Pollard |
| T220 | 363w | Sycamore | Fell to ground level | | REFUSE | |
| T246 | 309 | | | Plantation of picea abies Approximately 35 trees Need to be thinned out by 20% Adjacent to neighboring storage barn | REFUSE | Prune branches away from adjacent building |
| T265 | 329 | Common Horse Chestnut | Fell to ground level | | REFUSE | Pollard |
| T277 | 341 | Common Horse Chestnut | Fell to ground level | Tree is infected with honey fungus extremely dangerous condition | REFUSE | Pollard |
| T303 | 367 | Sycamore | Fell to ground level | Numerous structural weaknesses fell tree before it collapses | REFUSE | Pollard |
| T315 | 379 | Sycamore | Fell to ground level | | REFUSE | Pollard |
| T359 | 422 | Sycamore | Fell to ground level | Lapsed Pollard, stem unsound adjacent to storage area. | REFUSE | Crown reduce by 20% |
| T360 | 423 | Sycamore | Fell to ground level | Lapsed pollard, tree is structurally unsound in storage area. | REFUSE | REPOLLRD TO PREVIOUS POLLRDRING POINTS |
| Tree ID | Tag No | Common Name | Proposed Work Item | Tree Report Comment | Decision | Approved alternative works/comments |

| | | | | | | |
|------|-----|-----------------------|----------------------|--|--------|---|
| T361 | 424 | Sycamore | Fell to ground level | Lapsed pollard structurally unsound | REFUSE | REPOLLRD TO PREVIOUS POLLRDING POINTS |
| T362 | 425 | Common Horse Chestnut | Fell to ground level | Lapsed pollard tree structurally unsound | REFUSE | POLLARD |
| T363 | 426 | Sycamore | Fell to ground level | Tree structurally unsound | REFUSE | Pollard remove concrete slabs from base of tree. |
| T364 | 427 | Common Horse Chestnut | Fell to ground level | | REFUSE | Pollard |
| T365 | 428 | Sycamore | Fell to ground level | Tree is structurally unsound | REFUSE | Pollard |
| T366 | 429 | Common Beech | Fell to ground level | Meripilus giganteus root decaying fungus | REFUSE | Monitor and recheck leaf cover and vigour in the summer |
| T493 | 556 | Common Holly | Fell to ground level | Remove for hygiene reasons | REFUSE | |