

North Yorkshire Council

Community Development Services

Thirsk & Malton Area Constituency Planning Committee

18 MAY 2023

23/00337/TPO - T1 SYCAMORE-CROWN LIFT, DEADWOOD THE CANOPY AND CROWN REDUCE TO BALANCE THE CROWN WITHIN TPO NO. 268/2000 AT LAND ADJ NOS 1 & 2 WOODLANDS WARTHILL ON BEHALF OF NORTH YORKSHIRE COUNCIL

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

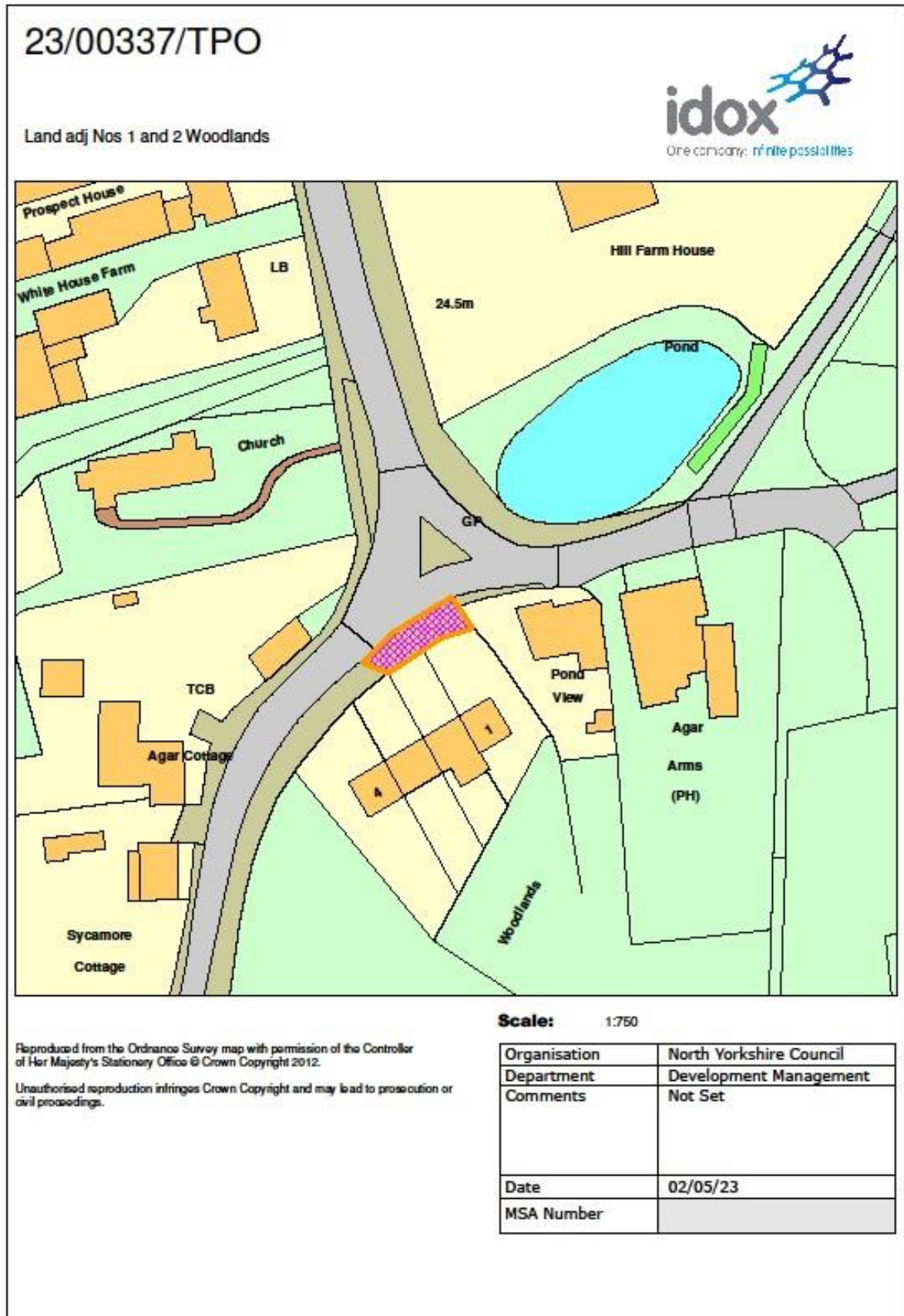
- 1.1 To determine an application for works to a Sycamore subject to a Tree Preservation Order on land adjacent to Nos 1 and 2 Woodlands, Common Lane, Warthill.
- 1.2 The application has been brought to the Area Planning Committee as North Yorkshire Council are the applicants and landowners.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That permission be GRANTED subject to conditions listed below.

- 2.1. This application seeks permission to undertake works to T1 Sycamore within Tree Preservation Order 268/2000. The works involve a crown lift, deadwood the canopy and a crown reduction to balance the crown.
- 2.2. The application site is located within the York Greenbelt and the Warthill Development Limits.
- 2.3. There has been no response from the Parish Council. One response has been received from a local resident which is referred to in the report. The development is considered sustainable and it is recommended that permission be granted subject to conditions.

OFFICIAL - SENSITIVE



OFFICIAL

3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:-
planningregisterdocs.ryedale.gov.uk/planning/planningdocuments?SDescription=23/00337/TPO

3.2. There is 1 relevant application for this site which is detailed below.

05/00415/TPO – To crown lift, crown balance, crown thin & crown clean T1 sycamore within TPO No. 268/2000 – Partial Approve/Refuse 19.05.2005

4.0 Site and Surroundings

4.1. T1 Sycamore is situated to the front of Nos 1 and 2 Woodlands, Common Lane. The tree is subject to Tree Preservation Order 268/2000.

4.2. The site is located within the Warthill Development Limits and the York Greenbelt.

5.0 Description of Proposal

5.1. This application seeks permission to undertake works to the tree include crown lift, removal of deadwood within the canopy and a crown reduction to balance the crown.

6.0 Planning Policy and Guidance

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

- The Ryedale Plan – Local Plan Strategy, adopted 5 September 2013

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- The Town & Country Planning (Tree Preservation) (England) Regulations 2012

7.0 Consultation Responses

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Parish Council:** No comments received

7.3. **Ward Member(s):** No comments received

Local Representations

7.4. 1 local representation has been received objecting to the application which reads as follows:

“The sycamore needs pruning back to a point where overhanging branches etc do not overhand the powerlines which have potential to fall onto in a storm. This had happened previously and was dangerous to down the drives. The sycamore also drops constant amount of sap etc all year round, onto parked vehicles which has potential to cause damage in the driveways of 1-3 Woodlands.”

8.0 Environment Impact Assessment (EIA)

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

9.1. The key considerations in the assessment of this application are:

- Would the proposed pruning work be acceptable in terms of the amenity value of the tree?
- Would the proposal have an adverse impact on the long-term health of the tree?

10.0 ASSESSMENT

10.1. The tree in question is substantial in size and is very visually prominent when approaching the site from the north along Common Lane.

10.2. The tree has an unbalanced form as a result of historic pruning to clear branches away from the powerline. It has extensive deadwood throughout the canopy some of which is of a significant size which poses a safety issue, primarily on uppermost branches closest to the highway due to die-back.

10.3. The proposed work is considered to be acceptable in relation to prudent tree management and is not expected to be detrimental to the health or amenity of the tree.

11.0 RECOMMENDATION

11.1 That permission be GRANTED subject to conditions listed below.

Recommended conditions:

Condition 1 Time Limit

The works for which consent is hereby granted shall be completed before the expiration of two years from the date of this decision. If works are not completed within that timeframe then a new application for tree works will need to be submitted to the Planning Authority.

Reason: 2-Years Timescale - to reduce future uncertainty with regards to authorised tree work and to limit the time during which the local authority would need to monitor progress.

Condition 2 Crown lifting

Crown lifting must involve the removal of secondary lateral branches only.

Reason: To maintain the shape and character of the tree and to adhere to good arboricultural practice.

Condition 3 Reduction

Pruning cuts for reduction of branches up to should be taken at suitable growing points and no wound should exceed 40mm in diameter.

Reason: To maintain the shape and character of the tree and to adhere to good arboricultural practice.

Condition 4 Tree Work

All works to be undertaken in accordance with British Standards BS 3998:2010 (Tree Works) by a suitably qualified and insured arborist.

Reason: To comply with good practice and ensure that the work is undertaken in a competent manner.

Informatives:**Informative 1**

In order to comply with the provisions of the Wildlife and Countryside Act 1981, an inspection of the canopy will be required to ensure no nesting birds are present prior to the works taking place. No works to the tree can be undertaken in the event that birds are nesting in the tree.

Informative 2

All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under section 41/42 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found to or during tree work operations all work must stop immediately and Natural England informed.

Target Determination Date: 23.05.2023

Case Officer: Ellie Hardie, Eleanor.hardie@northyorks.gov.uk