

**Parish: Skipton-on-Swale**  
Ward: Thirsk  
**12**

Committee Date : 18 October 2018  
Officer dealing : Mr Rowshon Uddin  
Target Date: 10 September 2018  
Date of extension of time (if agreed):

**18/01169/TPO**

**Felling of 4 Wellingtonia trees subject to Tree Preservation Order 2003/04  
at The Grove Skipton On Swale North Yorkshire YO7 4SB  
for Mr Jeremy Hogan.**

**This application is referred to Planning Committee at the request of a Member.**

**1.0 PROPOSAL AND SITE DESCRIPTION**

1.1 The four trees the subject of this application stand within a large rectangular shaped garden of 0.17 hectares. The trees are on the south side of the dwelling and on the east side of a private drive that leads from the A61 up a 4m incline to the front of The Grove. This is a substantial two storey Victorian era red brick house.

1.2 TPO 2003/04 relates to 6 trees, four of Wellingtonia (Giant Sequoias) the remaining two trees are a beech and a birch tree that stand to the north of the boundary wall with the A61.

1.3 Skipton - on -Swale is a hamlet near the River Swale with a mixture of dwellings, agricultural buildings and four Listed Buildings, including St Johns Church, the closest neighbour about 35 metres east of The Grove. A public right of way passes 35 metres to the west of The Grove, linking the A61 to the back lane to the north of the property.

1.4 The application proposes to remove all four Wellingtonia Trees (Giant Sequoias.) The reason for removal of the trees is stated to be:  
“due to proximity to the house and foundations, damage to the drive and potential damage to Septic Tank and drainage systems.”

1.5 A supporting surveyors report, CCTV recording of the condition of the drains and photographs of the condition of the trees and the drive have been submitted in support of the application.

1.6 A proposal for shrub or blossom trees to be replanted further away from the drive and drainage systems is made by the applicant.

1.7 The applicant's submitted report notes that the 4 Wellingtonia are about 23 metres high and with an 8 metre canopy spread. The applicant's arboricultural report finds that the trees have all dropped major limbs and contain quite a lot of deadwood. Damage to the drive through “lifting the surface” and notes that “the septic tank has also become damaged likely from the roots of these trees”.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

2.1 03/01022/FUL Formation of a vehicular access to replace existing access and construction of boundary walls - Permitted

**3.0 RELEVANT PLANNING POLICIES:**

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Development Policies DP30 - Protecting the character and appearance of the countryside

#### 4.0 CONSULTATIONS

4.1 Parish Council - replied 27.07.2018, support the felling of trees on the grounds of health and safety noting that the tree nearest to the A61 could close the road if it was to fall.

4.2 Publication, Expiry Date 23.08.2018, No Comments

4.4 Neighbours x 10, one reply from Appletree House ( 17 August 2018) who live across the road from the site support the application because, "...the trees are a potential danger to nearby properties and an eye sore that blocks a significant amount of natural light..."

#### 5.0 OBSERVATIONS

5.1 The main issues to consider are:

- the structural integrity of the trees and the potential for damage to infrastructure
- the amenity value of the trees

##### **Structural integrity**

5.2 The evidence supplied by the applicant shows that the drive to the house has become un-even and that the drain from the house to the septic tank has become damaged.

5.3 As noted by the Council's appointed consultant Charles Prowse *M. Arbor.A* from Elliot Consultancy: "the applicant has not provided supporting information to suggest that there is anything structurally or physiologically concerning with the trees that would warrant their removal.

5.4 Charles Prowse adds that "The presence of deadwood is noted but that it can be removed without any problems", further it is noted that the removal of dead branches from a living tree is exempt from control by virtue of the provisions of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 Part 3 Article 14(b). From visual inspection, it is clear that all four trees are in good health with no obvious sign of ailment or deterioration.

5.5 The issue comes down to the alleged damage caused to the driveway and drainage system or that may be caused to structures. Charles Prowse notes that "Again they have not provided any evidence to prove that the driveway was affected by the trees and having removed the block pavers this cannot now be assessed. It could have been down to settlement of the underlying ground as opposed to disruption by roots."

5.6 Further when considering the damage to the septic tank and drains Charles Prowse notes "As for the septic tank and outlet pipe, it is often the case that an already damaged and leaking drainage system will be exploited by tree roots in search of moisture but the roots may not have been the cause of the initial damage. Does the video provide any concrete evidence that the roots initiated the damage, or that they have just exploited it?" Commenting that "it appears likely that the property owner needs to undertake works to their sewerage system which may require some

excavations within the rooting areas of some of the trees. Such work is likely to lead to a degree of root damage which if refused could put the Local Authority in a liable situation should issues arise in the future because the system could not be upgraded. You could permit upgrade works but request an Arboricultural Method Statement that will demonstrate how the trees will be best protected during the process. They should be using NJUG10 as a guide for utility works in close proximity to trees.”

- 5.7 The applicant has not supplied details of works to restore the drainage or driveway other than noting the length of the drains that would need to be replaced and the relaying of the drive.

### **Amenity value**

- 5.8 Policies CP16 and DP28 requires proposals to protect and enhance natural assets.
- 5.9 In this regard the four Wellingtonia trees have grown for over 100 years to be a very prominent feature both in the context of The Grove and also important to the character to the eastern part of Skipton-on-Swale where there are other large trees and also provide the setting to the Parish Church of St John.
- 5.10 The Wellingtonia trees are prominent on approach on the A61 from both the east and west. The trees are seen as a row of tall mature similar aged trees between the highway and the large gardens, together to form an expansive canopy of vegetation. Therefore, these four Wellingtonia trees have significant amenity value to the area on their own and in combination to the surrounding trees.

### **Conclusion**

- 5.11 The four trees provide significant visual amenity to the site and area and form part of a larger canopy of mature trees that characterise the eastern side of the Hamlet. All four trees appear to be in good health with little reason to doubt their long term health. The evidence submitted in support of removing the trees does not substantiate the claim that the trees are the cause of damage to infrastructure. Considering all of these matters this application is recommended for refusal in accordance with the LDF Policies CP16 and DP28 that seeks protect and preserve features that contribute to the heritage of the District.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **REFUSED**:

The proposed felling of the four Wellingtonia trees the subject of Tree Preservation Order 2003/04 is contrary to Policies CP16 and DP28 that seek to protect and preserve features that contribute to the heritage of the District.