

**Parish: Sowerby**  
Ward: Sowerby & Topcliffe

**11**

Committee Date : 27 October 2022  
Officer dealing : Mr T J Wood  
Target Date: 1 December 2022  
Date of extension of time (if agreed):

**22/02301/TPO**

**Works of reduction and maintenance work to trees subject of TPO 1959/07 and removal of two trees.**

**At: The Village Green Front Street Sowerby North Yorkshire**  
**For: Mrs Alexandra Robson.**

## **1.0 Site, Context and Proposal**

- 1.1 The application seeks approval for works to maintain the avenue of lime trees along Sowerby Front Street. The application notes that they are to "maintain and manage the mature trees along Front Street for the benefit and management of the group as a high amenity value avenue of locally important mature trees".
- 1.2 The trees are the subject of Tree Preservation Order made in 1959 and within the Sowerby Conservation Area designated 12 August 1971.
- 1.3 The trees stand within grassed areas, close to the adopted highway and in some places close to well compacted stone vehicle access tracks and tarmac footway surfaces. There are overhead wires through the canopy of some trees.
- 1.4 The proposal for all trees T1 to T71 involves crown lift low hanging small diameter branch ends over road to give 5.2m clearance over highway. Remove all major deadwood. Remove epicormic growth from tree stems to crown break approximately 3m-4m.
- 1.5 Detailed specifications are given for 7 trees in the northern part (T8, T11, T13, T17, T20, T24, and T26) and 6 trees in the southern part (T66, T67, T68, T69, T70 and T71) of Front Street this provides for reduction of between 5 and 7 metres to a previous pollard points. The proposals include explanation of the previous pruning heights and that the reduction is to the higher of the previous pruning points, noting that "significant growth above the old pruning wounds increases the potential for branch failure at this point. The reduction would equate to a canopy reduction of around 6m in height, the dominant trees within the avenue would then be of a similar height to the rest of the group". Where trees have not previously been pollarded the trees are to remain at their existing heights.
- 1.6 Two trees are proposed to be removed and replanted due to being in decline (T36) and of poor structural form (T45). Additionally 4 additional trees are to be planted in spaces between the existing trees to improve age diversity and maintain the formal avenue. All 6 trees are to be limes.

## **2.0 Relevant planning and enforcement history**

- 2.1 05/01135/TPO Approval was given in 2005 and again in 2010, 10/00491/TPO, for works to the lime trees.
- 2.2 In addition to works of maintenance to the trees within the TPO new trees have been planted within the avenue to fill gaps following the necessary removal of trees.

## **3.0 Relevant planning policies**

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Local Plan Policy S7: The Historic Environment

Local Plan Policy S1: Sustainable Development Principles

Local Plan Policy E2: Amenity

Local Plan Policy E3: The Natural Environment

Local Plan Policy E4: Green Infrastructure

Local Plan Policy E5: Development Affecting Heritage Assets

Local Plan Policy E7: Hambleton's Landscapes

## **4.0 Representations**

- 4.1 Sowerby Parish Council (the applicant in this case) wish to see it approved.
- 4.2 Publicity - 3 site notes have been displayed and 117 neighbour notification letters sent. No responses received at time of writing. (Expiry of consultation 28 October 2022)

## **5.0 Analysis**

- 5.1 The main issues in this case relate to the health and safety of the trees within this public space and the maintenance of this important group of trees that is highly significant to the character of this part of the Thirsk and Sowerby Conservation Area.
- 5.2 The proposed works are to address the need to maintain the trees and manage the future health of the individual trees and maintain this as a group. The safety of the public is acknowledged within Local Plan policy S1 b. whilst also achieving a healthy and attractive environment. Policy S1 e. also requires planning decisions to protect and enhance the high quality natural and historic environment. The Environment policies E2, E3, E4, E5, and E7 all set directly or indirectly the importance of trees in the landscape to protect amenity, promoting biodiversity, protecting green infrastructure, the contribution that trees make to the built historic environment, and protecting and enhancing the distinctive landscapes of Hambleton.

- 5.3 The proposed works are a carefully considered response to the challenge of maintaining large trees in a mainly residential environment, where the risks of failure are high, whilst also maintaining trees for their own beauty as well as for the benefit of biodiversity, green infrastructure, landscape, the character and appearance of the Conservation Area. The proposal complies with the policy requirements of the Local Plan policies. Conditions are appropriate to ensure that the works are carried out in accordance with the detailed specifications prepared and achieve or exceed the best practice of the British Standards for tree works.
- 5.4 It is acknowledged that the location of trees shown in the TPO made in 1959 does not precisely match in every case the location of trees as they stand today due to the earlier removals and replanting works and additional planting that is now worthy of protection. The Conservation Area status achieved since 1971 has protected all the trees from works without notification to the Local Planning Authority. The Parish Council control of the trees and has been a responsible landowner, whilst the making amendments to the 1959 TPO or a replacement Order would aid clarity of which trees are protected the trees are nonetheless adequately protected at this time.

## **6.0 Recommendation**

- 6.1 That subject to any outstanding consultations the application be APPROVED.

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The works to the tree shall be carried out in accordance with British Standard 3998 (Tree Work).
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Location and Tree Works Report received by Hambleton District Council on 6 October 2022 unless otherwise approved in writing by the Local Planning Authority.

The reasons are: -

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interest of ensuring the continuing good health of the tree(s) which makes a significant contribution to the amenities of the area, in accordance with Local Plan policies S1, E1 and E7.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E2, E3, E4, E5, and E7.