

**HARROGATE BOROUGH COUNCIL
DELEGATED DECISION BY CHIEF PLANNER**

ORDER NO: 22/00005/TPORDR
LOCATION: Hawkesworth House Nesfield Ilkley North Yorkshire LS29 0BS
DESCRIPTION: Tree Preservation Order 5/2022
OWNER/OCCUPIER: Mr Anthony Barnett

OVERALL EXPIRY DATE:		WARD:	Washburn
TARGET DATE:	12.04.2022	PARISH:	128
PROV ORDER DATE:	09.02.2022	OFFICER:	Izabelle
PROV ORDER EXPIRY:	09.08.2022	Waddington:	

CONSULTATIONS RECEIVED FROM:

Arboricultural Officer
 Public representations have been considered

OFFICER REPORT

The Council received written notification under section 211 of the Town and Country Planning Act, of a notice to fell 4 no. Sycamore (T1/T2/T3/T5) and to prune to clear a phone line by 1m of 1 no. Sycamore (T4). The notification also applied to remove epicormic growth to 3m, prune to clear phone line by 1m and reduce lateral growth to SW from current 4.5m to 3.5m between height of 5 and 8m to 1 no. Sycamore (T6), to trim to maintain the edge of 1 no. Hawthorn hedge and to remove epicormic growth to 3m and remove all self-seeded scrub growth to 15 no. Sycamore and 3 no. Ash. The notice was received on 4th December 2021, and relates to a bank of trees to the south of Hawkesworth House, Nesfield. Following the notification, it was considered that there was a considerable threat to the 4 no. Sycamore trees T1, T2, T3 and T5, in regard to the proposed felling. Therefore it was requested by the case officer and arboricultural officer that 4 no. Sycamore should be protected by a Tree Preservation Order. The trees are healthy specimen of reasonable form, with a life expectancy in excess of 40+ years. The specimen's offer a high contribution to the surrounding landscape and visual amenity. They are considered to be an important tree group for carbon sequestration.

Following a site visit made by the arboricultural officer on the 6th January 2022, the case officer visited the site on the 11th January 2022. It is noted that the trees are located on common land within the village of Nesfield, sitting along the road side to the east as heading north. The bank of trees is highly visible within the area. As such, the 4 no. Sycamores aid in adding to the visual amenity of this part of Nesfield conservation area and the Nidderdale Area of Outstanding Natural Beauty, offering a contribution to the surrounding landscape, helping to screen and soften the surrounding built form.

Further inspection and public representations have noted that T5 has back-to-bark union at its base between two leading steams which could lead to a higher chance of failure. As such, the council's arboricultural officer recommends that works to fell T5 go ahead. Therefore, it is considered that the notice to fell 3 no. Sycamore trees (T1, T2 and T3) under Section 211,

causes an immediate threat and as such the trees should be made part of a preservation order.

In response to the provisional order, the council received multiple representations from members of the public both in support and objecting to the order. As such, the representations have been considered below. It is however recommended by the Council's Arboricultural Officer that the site be formally inspected by an arboricultural specialist to bring the site under formal management. This should include an inspection of all of the trees as there are works that would be supported taking on board all of the trees and potential replacement planting to maintain this important grouping. It is also noted that it is clear that the residents have an interest which is positive and their collective thoughts may be directed via the Parish Council who can act as the agents for the site, and along with arboricultural input, a management plan be considered for the site.

The Council received a written representation from residents at Fairy Cottage on the 12th March 2022. The representation wishes to be assured that future maintenance and duty of care to the bank of trees are met. As such, a TPO does not hinder good arboricultural care or maintenance.

The Council received a written representation from Aire Valley tree Consultancy on the 15th March 2022. Of T1 and T2, the representation states, "They are weight bias away from the group growing towards the applicants dwelling, car parking and amenity areas and will soon outgrow their location, trees unlikely to form structurally sound trees in the future." The council's arboricultural officer has noted that the growth is natural as is the lean of the trees, while they retain health and vitality, is not considered problematic. There is no reason to believe that the tree are not structurally sound. They appear to have full canopies and typical of the species. Sycamores are a robust species and with good levels of vitality will adapt to their location. It is further noted within the representation that 'The stems of both trees are approximately 60cm from the applicant's boundary wall. Table A1 of BS5837 indicates trees which will mature to have stems between 300mm and 600mm (e.g. Sycamore) should be a minimum of 1m from masonry boundary walls to prevent damage. While this wall appears partially masonry, partial dry stone T1 and T2 have the potential to damage this wall (which acts as a current boundary).' It is considered that trees often grow close to boundary walls, however, it is not common to support their loss on this basis. It is recommended that options are considered where the wall is repaired and the tree retained. It is feasible to employ structural engineer options that result in the re-build of a wall and retention of trees. Of T3, the representation notes the weight bias away from the group of trees. The asymmetric growth of T3 has been noted by the Council's arboricultural officer, however, this is not considered a justification for premature felling. It is considered that trees on the edge of a group or woodland have such form and put on adaptive growth to compensate accordingly. They are not more likely to fail than the adjacent upright trees while in good health. The removal of edge of group trees can result in a change to the screening of the remaining trees resulting in unexpected branch/tree loss.

The Council received a further representation from residents at Hawkesworth Cottage on the 15th February 2022. The representation notes the need to reduce crowding, improve safety and enhance the visual appeal of the bank of trees. The representation also notes that the area is cited as an 'important open space' within the Nesfield Conservation Area Assessment. It is considered that crowding is not a usual justification for the felling of trees as this is a subjective point. The Council's arboricultural officer does not consider the trees to be

crowded and instead recognises them as a group of trees naturally growing and naturally adding to the visual amenity of the area. Removing trees rarely improves visual appeal. As noted in the arboriculture assessment, there are a number of ash trees locally that are likely to be removed as a result of ash die-back within the bank of trees. Due to this, the retention of the sycamores takes greater precedence. The loss of the ash and the sycamores removes many trees locally reducing carbon sequestration, oxygen production and a host of positives associated with trees. Furthermore, visual amenity is not a measure of the individual trees in this group with trees set back in the group just as valuable as those at the front. It is further noted that the value of open space is widely recognised, however, this includes areas of trees. Open space includes woodland, trees, informal play, formal and informal planting etc. In addition, the representation questions the TPO assessment used by the council. It is noted that there was no technical or safety assessment included within the original application. HBC use VALID risk assessments as part of its arboricultural management system.

A Public representation was received from the residents at Stonegarth on the 17th February 2022. The representation points to the health and safety of the trees. As noted previously, the council recommends a formal inspection risk assessment to help avoid such issues.

Three other representations were received from the residents at Hillcrest, Castleberg House and Sherwin Cottage. All representations were in reference to the need for maintenance on the trees and risk of the retaining wall. The introduction of a TPO does not hinder appropriate maintenance. It is also noted that the wall and trees may well benefit from further consideration including a structural engineer and arboricultural specialist.

On considering the representation's made, it is proposed that the 3 no. Sycamore trees (T1/T2/T3) are worthy of a Tree Preservation Order (TPO) and that the preservation order should be confirmed.

AMENITY ASSESSMENT

The Council's Arborist recommend that the 3 no. Sycamore trees (T1/T2/T3) should be protected by a tree preservation order. The trees are healthy specimens with acceptable form, and life expectancy exceeding 40+ years. The trees are visible from the main road adding to the amenity of this part of Nesfield conservation area and the Nidderdale Area of Outstanding Natural Beauty and are therefore viable of a preservation order.

CONCLUSION

The trees hold high visual amenity value and contributes to the character of the surrounding area. The proposed works to fell 3 no. Sycamores would cause harm. No justification to outweigh their amenity value have been submitted during the provisional period. The provisional TPO should be confirmed.

RECOMMENDATION

That the provisional Tree Preservation Order is confirmed.

TOWN AND COUNTRY PLANNING ACT 1990
TREE PRESERVATION ORDER
TPO 5/2022 - HAWKESWORTH HOUSE, NESFIELD, ILKLEY, LS29 0BS

The Council of the Borough of Harrogate, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 hereby make the following Order:-

CITATION

1. This Order may be cited as the Council of the Borough of Harrogate Tree Preservation Order 5/2022.

INTERPRETATION

2. (1) In this Order "the authority" means the Council of the Borough of Harrogate
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

EFFECT

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall –
 - (a) cut down, top, lop uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated: 9 February 2022

Signed on behalf of

THE COUNCIL OF THE BOROUGH OF HARROGATE



Head of Legal & Governance



Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by the Council of the Borough of Harrogate subject to the modifications being the removal of T4 (Sycamore) on the 3rd day of August 2022.

Signed on behalf of the Council of the Borough of Harrogate



Head of Legal and Governance
Authorised by the Council to sign in that behalf

**TREE PRESERVATION ORDER
TPO NO 5/2022
HAWKESWORTH HOUSE, NESFIELD, ILKLEY, LS29 0BS**

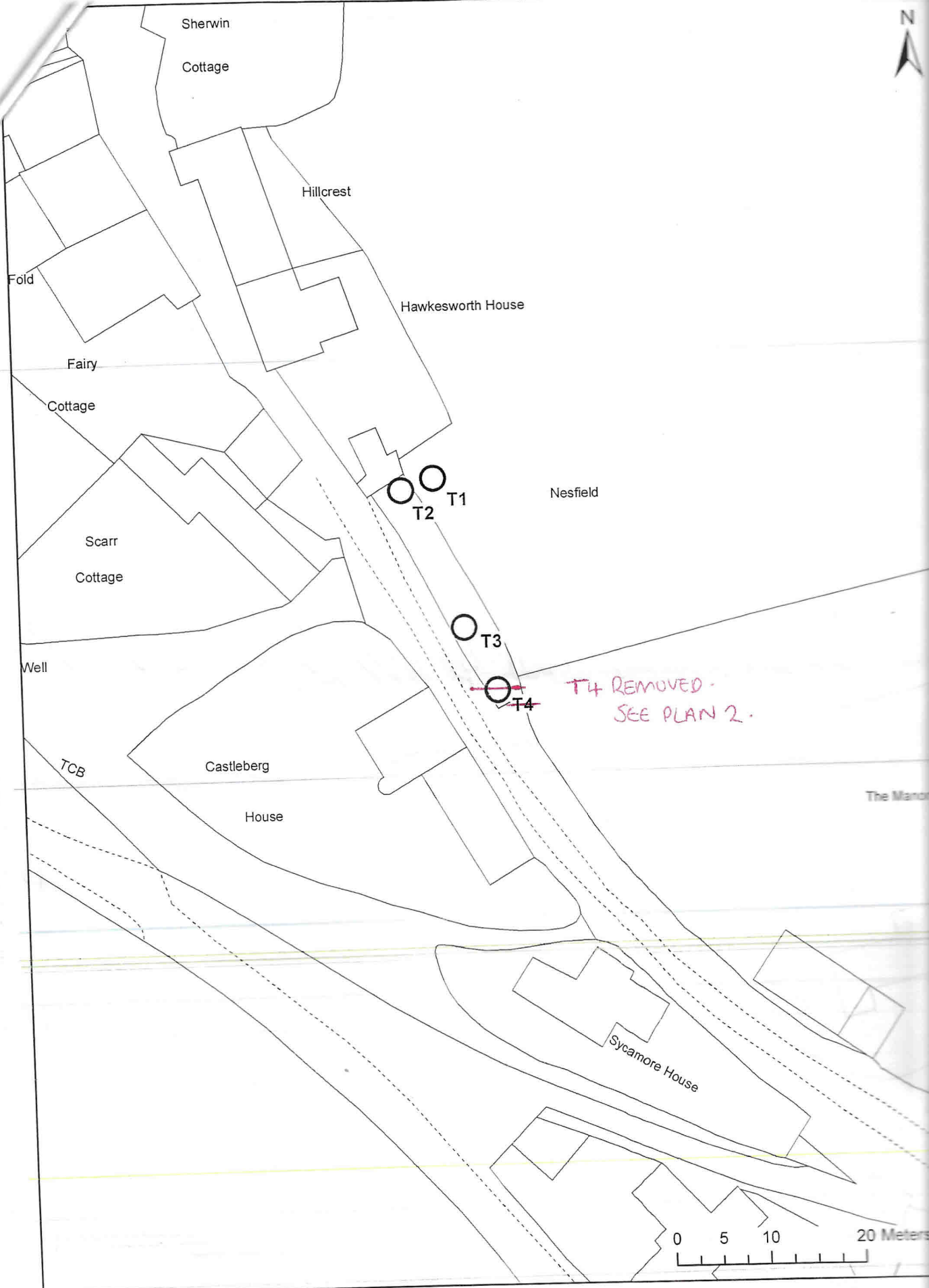
FIRST SCHEDULE

Ref on Map	Description	Situation
TREE SPECIFIED INDIVIDUALLY (encircled in black on the map)		
T1	Sycamore	409285 449615
T2	Sycamore	409281 449625
T3	Sycamore	409287 449611
T4	Sycamore	409290 449604

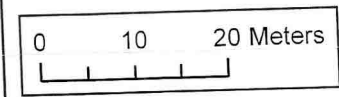
GROUPS OF TREES (within a broken black line on the map)
NONE

WOODLANDS (within a continuous black line on the map)
NONE

TREES SPECIFIED BY REFERENCE TO AN AREA (within a dotted black line on the map)
NONE



TPO No 05.2022
Hawkesworth House, Nesfield, Ilkley, North Yorkshire, LS29 0BS



Harrogate
BOROUGH COUNCIL

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PLAN 2