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Our Ref: 5658

09/03/05

Fulford Friends
Fulford
York

Dear Sirs

RE: Outline Planning Application for Connaught Court, Main Street, Fulford, York

1. Instructions

- 1.1 We have been instructed by Fulford Friends to review the TPO No.CYC158 Connaught Court, Fulford Road, York, in relation to the Outline Planning Permission for the erection of extra care sheltered accommodation, extension to EMF unit, residential development, relocation of bowling green and provision of new access road and car parking. It is requested that we cover the matters of the potential impact of the outline development on Connaught Court's tree stocks and the impact on the landscape generally.
- 1.2 In accordance with our instructions I have walked around the perimeters of the site and have viewed the site trees from public spaces.

2. Documents Received

- 2.1 To assist with our report I have been supplied with the following documents:
 - TPO No.CYC158 Schedule and Plan
 - Print of an e-mail from Mr Darren Hendley to Mrs Urmston (19th July 2004)
 - Internal memo 12th August 2004 from Esther Priestley (York City Council Landscape Architect) to Darren Hendley (York City Council Planning Officer)
 - Neighbour Notice of the Outline Application by the Royal Masonic Benevolent Institute Homes (19th January 2005)
 - Castle Tree Surgeons Arboricultural Report (31st January 2003)
 - O'Neill Associates Chartered Town Planning Consultants, Planning Support Statement for the Royal Masonic Benevolent Institution
 - JBA Consulting Design for the Outline Surface Water Drainage System for the Connaught Court development plan

3. Review of TPO No. CYC158

- 3.1 York City Council have raised and confirmed a TPO on Connaught Court's tree stocks which includes for 27 individual trees designated by the prefix T1, T2 etc, and 7 groups G1, G2 etc.
- 3.2 I have annotated the aerial photograph below with the appropriate Tree Preservation Order listings. The TPO is comprehensive and evenly spread across the site. Though there are one or two trees I would have added to the TPO, overall it is a reasonable assessment of the tree stocks.



- 3.3 York City has opted to leave out the poplars from the TPO (with one exception) and this is prudent. Poplar timber is very weak compared to other deciduous trees and this species is highly prone to storm damage. Consequently, as a general rule it is wise to avoid serving TPOs on poplars. Therefore I do not have an issue with York City Council employing this policy on this site.

3.4 The southern boundary of the site was in the past defined by a line of poplars.



3.5 Now the poplars are in two clumps - a line in front of the Coach House and a second, off site, longer run which are in Far Rushes' northern boundary. Both clumps will be compromised by the development.



Far Rushes' poplars viewed from St Oswald's Road



Far Rushes' poplars viewed from the Ings



Far Rushes' poplars viewed from flood plain public footpath

3.6 With the exception of the poplar element, a large proportion of the tree stocks have been placed under the TPO. For the reasons stated above, I see little purpose in entering into a dispute over the percentage that have been left out. However, Far Rushes' poplars are a significant landscape feature and though I would not serve a TPO on these trees, planning permission should not be given within a distance that would damage these trees.

3.7 The current planning application is for a dwelling within 5m of Far Rushes' poplars. This is farcical!

4. Impact on the Landscape

- 4.1 Connaught Court is a campus development, which was constructed in the early 1970s in what was Fulford Park. Our researches to date lead me to the opinion that Fulford Park was pasture land with trees rather than a Victorian formal park.
- 4.2 The treescape falls into two distinct categories of mature and young mature. The oldest element of the mature trees, trees of trunk diameter 800mm-1.2m, are in the order of 150 years of age.



1853 Ordnance Survey Map of Fulford Park

- 4.3 The 150 year old trees date back to when Connaught Court was part of Fulford Park. At this time Fulford was administered by Beverley and was not part of York City.
- 4.4 Though Fulford Park was not part of a historic garden, the older trees are historic. To put the older trees in a York City context, they are in same age as the older specimens in Museum Gardens.
- 4.5 The second trench of mature trees are the trees of 600-800mm diameter, which are less than 100 years of age. Thereafter, there are a large number of trees 300-400mm in diameter, and poplars of 500mm, and these are in the region of 35 years of age and would have been planted when the RMBI constructed the care home in the early 1970s.
- 4.6 The proposals change the landscape from parkland to an urban setting.
- 4.7 The view for the residents of St Oswald's Road will become a street of detached houses and the same statement holds true for the residents of Fulford Park

4.8



The above parkland panoramic view of Connaught Court from Main Street will be lost as part of the development.

- The central path will become a 5m wide road with a pavement and parking bays on either side.
- The gable end of the single storey building on the horizon beneath beech crown will come forwards by approximately 10m and rise to two storeys and be a wall of masonry across two thirds of the site.

4.9 In a previous application, JBA drainage plan 12/7/2004 an 'L' shaped building is shown to the south of the access road in line with the proposed new bowling green immediately to the rear of the beech. If this proposed development was to take place then the vista would be of a wall of masonry framing the beech.

4.10 The green corridor link is less of an offer than it might appear. When a development is constructed the access roads are normally built to the Highway Authorities specification. On completion of the build the responsibility for maintaining the access roads, pavement, and where applicable verges passes to the Highway Authority. The process of the Highway Authority taking over responsibility for the development's road is termed adoption.

When a Highway Authority 'adopts' a development road it becomes a public carriage way and subject to highway regulations prior to adoption the road is a private road.

4.12 The advantage of a development road being adopted is that it then becomes the Highway Authorities duty to maintain the road. The disadvantage is that the road and pavement are public access open to all parties, 24hours a day.

4.13 If the St Oswald's Rd access is to be adopted by the Highway Authority, then it will become open access. Likewise for the Main Street access road. Therefore the only section of the development that would be closed to the public would be the link from the turning head at Units 9 and 10 to the parking off the Main Street access. In my opinion to offer to make 70m of footpath, public, in return for obtaining a development of this scale could not be termed an act of largesse.

5. Impact on the Mature Tree Stocks

- 5.1 In the previous tree reports there appears to be a confusion between age, vigour, growth rate and longevity. The fact that a tree is mature does not mean that it is likely to die within the near future.
- 5.2 A number of the mature trees are limes and limes can be one of the longest living deciduous trees in the United Kingdom. Peter Makken claims that a woodland of limes in Cleveland is 2000 years of age and we know from documentation that the largest limes in Castle Howard's Avenues are over 250 years of age.
- 5.3 In regard to lime tree longevity, Dr Donald Pigott, Director of the Cambridge University Botanic Garden, is probably the UK's leading expert. (Re. the Arboricultural Journal Vo. 13 No.4 November 1989). In AJ13 Dr Pigott set out how he endeavoured to derive a formula for estimating the age of parkland lime trees from their stem diameter and ring counts. He used the process of taking core samples and comparing them with planted avenues of known provenance. The avenues and parks he used for analysis dated back to 1672 in the case of Cassiobury near Watford. It suffices to state that C.D. Pigott established that limes live satisfactorily for up to, and in excess of, 400 years in the UK.
- 5.4 It is the norm for all deciduous trees to grow slowly once they have exceeded 100 years of age. C.D. Pigott found great difficulty in estimating trees over 150 years of age because of this slow growth pattern, which does not fit to any neat linear progression. Therefore it should be noted that because a tree is growing slowly, it does not mean that it is at risk of imminent death.
- 5.5 The easy rule of thumb for indicating that a lime is starting to recede is when there is die back in the top of the crown. However, crown recession in limes is very common particularly in the Common lime, which is a hybrid between the large leafed and small leafed lime. For a lime to die by crown recession is a very slow process. In the case of the avenue of limes at Castle Howard, the crown recession of the eastern avenue is at a nominal rate of 5cm per annum.
- 5.6 There is no sign of die back in the tops of the lime trees. Therefore it is reasonable to question how the previous tree consultants determined that the mature trees are in terminal decline, thereby justifying their removal.
- 5.7 In the case of the massive sweet chestnut, this species of tree is probably the slowest rotting timber in the UK. Herbert Edlyn commented, in his book 'Tree Cultivation' published in the mid seventies, that tree stumps from sweet chestnuts felled in the First World War were still present some 60 years later.
- 5.8 Probably the largest collection of sweet chestnuts in the UK is at Fountains Abbey in Ripon and in the deer park they are found to happily live to in excess of 250 years. Therefore I see no justification for the recommendation to remove the mature sweet chestnut.
- 5.9 Mr Castle's tree report and its assessment of condition is not accepted as read. If one was to apply Mr Castle's principal of tree management then the entire landscapes of Castle Howard, Fountains Abbey and The Museum Gardens should be felled forthwith. The fact that a tree is 100-150 years of age does not justify felling it for development purposes.

6. Outline Planning Permission

- 6.1 Mr Hendley's e-mail of 19/07/04 describes the purpose of outline planning permission in that it establishes the principal of the land use.
- 6.2 Though I do not doubt the correctness of Mr Hendley's statement there is an overlap between principal and practise and it is very important at the outline stage to establish the developable areas. For example, if a site contains a number of trees and the applicant shows the footprint of a building which extends over the centre of the bole of a TPO'd tree then the outline planning permission for the building is also planning permission to fell the TPO'd tree. This is because it is quite plain that both in principal and in practise, in order to construct a building on that footprint it would be necessary to fell the tree.
- 6.3 The Outline Planning Permission is considering the matters of access. In my opinion the plans at a scale of 1:1000 are grossly inadequate in terms of precision for considering access when roads are being shown to pass underneath the canopies of veteran trees. The site plan neatly fits with the OS tile for this site. OS tiles are derived from aerial photography and are fine at their published scale of 1:1125 but when zoomed to smaller scales, their accuracy is inappropriate for plotting roads in proximity to trees.
- 6.4 The trees are represented as circular symbols, this is not in accordance with BS5837- Trees in Relation to Construction 1991. In BS5837 the crown dimensions of each tree should be given to the four points of the compass and the crown plan should reflect this four radii and be a fair representation of the tree.
- 6.5 In view of the inaccurate plotting of the trees and the very large scale of the plan I cannot reconcile how planning permission can be given when there is clear evidence that the practicalities of the scheme are questionable.
- 6.6 The applicant's scheme includes for transferring the bowling green from the back of the site to the front of the site. With reference to the aerial photograph on Page 2, I made an acetate template of the original Bowling Green and then overlaid it on the new position. It does not appear to fit.

7. Trees in Relation to the Proposed Development

- 7.1 There is a long list of matters of conflict between the trees that are protected by the TPO and the Outline Proposal. For example, at the northern end of the site the proposal is to construct a line of houses 5m from the boundary line. On the St Oswald Road side of the boundary, there is a line of trees that are the property of either the City or County Council. These sycamore and limes are in the order of 16m in height and have crown radii of 5m+. With a building line established in principal of 5m from the verge trees, it would not be possible to construct the dwellings without cutting back the overhanging branches. Furthermore, in terms of liveable space the houses are so close to the trees their front elevations will be in permanent shade in the summer and the Council will be deluged with requests to severely prune or fell this line of trees.
- 7.2 In line with 7.1 I have listed below the conflicts between the Outline proposals and the TPO'd tree stocks. The sequence of reporting starts at the Main Street entrance to Connaught Court working round in an anti clockwise direction to the exit on St Oswald's Road. The TPO survey started at the top northwest corner of the site working in a clockwise

direction and exiting on St Oswald's Road. Therefore the table below does not follow with the TPO designations in a perfect reverse order.

Tree No.	Species	Age	Conflict
T16	Beech	Mature	The road is designed to pass underneath the crown of the tree and the scale of the plan at 1:1000 is such that the scale of damage is likely to be greater than the graphic would infer.
T15	Lime	Mature	The Bowling Green earth works will require 50% of the bole to be excavated and is likely to necessitate the felling of this tree. As per T16 comment I question how a decision in Outline can be made on the precision of the plans enclosed.
G5	1 silver birch, 1 Acer, 1 horse chestnut	Young mature	One tree will require to be felled and the other two compromised by the Bowling Green construction and the access to the new Bowling Club.
T14	Silver birch	Young mature	The car parking is designed so as to pass under 2 sides of the crown of this tree.
T7	Acer	Young mature	Will be lost in order to construct the new apartment block.
G3	Acer sp	Young mature	Too close to new road
T2	Laburnum	Young mature	Removed to construct new road.
T3	Ash	Young Mature	Too close to new road
T21 T22 T23	Horse chestnut Acer Silver birch	Young mature	Too close to new road
T25 & T24	Pear	Mature	Too close to new road.
T27	Ash	Mature	So close to new access that it will be necessary to fell this tree.
T20	Lime	Mature	So close to new building that it is probable the tree will have to be removed. The plan shows that the crown would need to be pruned in order to construct the building.
	St Oswald Rd tree screen	Mature	The building line is within the canopies of the trees and the trees would have to be pruned in order to construct the building. The proposed building line is wholly unworkable.
Plot 3	Far Rushes, Fulford Park, Northern Boundary Poplars	Mature	New building far too close to neighbours trees

8. Conclusion

- 8.1 Since York City Council served the TPO on the 27 trees they have agreed to two trees being felled. Therefore the current number of individual TPOs is 25. The Outline proposals will compromise 13 of the 25 TPO trees, or 52% of the individual stock.
- 8.2 There are 7 Groups of trees within the TPO and the proposals will compromise 2 Groups, or 29% of the group stock.
- 8.3 At a generic level the scheme will change the views for the residents of Fulford Park and St Oswald's Road from parkland to an urban setting.
- 8.4 The access onto Main Street will compromise the magnificent beech tree. The term magnificent is proportionate for this exceptionally fine tree and in my opinion this access matter should be resolved at the Outline stage.

- 8.5 The bowling green does not appear to fit in its re-located position.
- 8.6 The green corridor is truly a corridor, a narrow strip, and does not constitute a significant landscape feature when compared to a park.
- 8.7 The tree survey is not in accordance with BS5837. It would be reasonable to insist that a tree survey be carried out by a qualified tree consultant, which includes for the following attributes:
- Tree species – common name in English and scientific name in Latin
 - Tree height in metres
 - Trunk Diameter in centimetres
 - Crown radius N,S, E,W
 - Age – in years
 - Form – tree shape
 - Vigour
 - Condition
 - Safe useful life expectancy
 - Species mature height – the height the specimen can be expected to achieve or exceed within its lifetime.
 - Species life span – the nominal life span for the particular tree species
 - Protective fence radius – the No build Zone as calibrated by the BS5837 formula
 - BS5837 retention class
 - Tree report – a report on each trees individual problems or merits
 - Tree recommendations – recommendations to rectify faults as is appropriate.

In addition a professional survey company, prior to the tree consultant's survey, should have plotted the position of the tree boles accurately on plan. This method will enable the tree consultants to plot the crown spreads for each tree to the four points of the compass. The four radii should then be linked by an outline which is a fair representation of the true crown shape.

- 8.8 Finally the crown plots for each tree should be colour coded in accordance with their BS5837 retention class and the plans supplied at a reasonable scale.
- 8.9 At this present moment in time, from an arboricultural aspect, the scheme is not feasible and without a BS5837 survey it is not possible to tell whether any future scheme would be viable. Therefore it is reasonable to insist on a BS5837 tree survey from the outset.

Yours faithfully,

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