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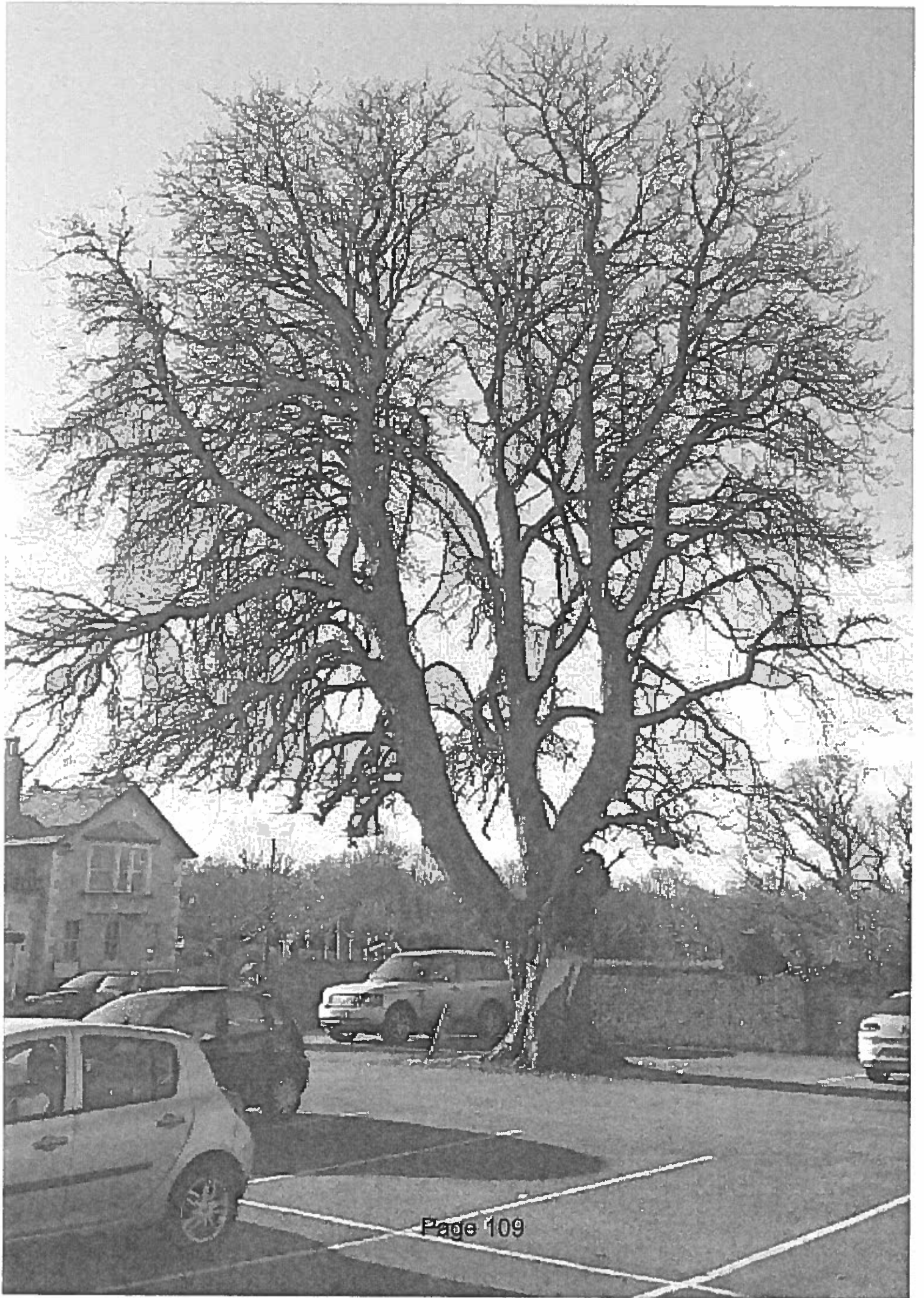
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Denbighshire Boundary




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WARD : St Asaph West

WARD MEMBER(S): Cllr Bill Cowie (c)

APPLICATION NO: 46/2016/0198/ TP

PROPOSAL: Felling of 1 No. Horse Chestnut tree annexed to the Talardy Hotel Tree Preservation Order 1975 ref A1

LOCATION: Talardy Park Hotel The Roe St Asaph

APPLICANT: Marstons Brewery

CONSTRAINTS: C2 Flood Zone
Tree Preservation Order

PUBLICITY UNDERTAKEN: Site Notice – No
Press Notice – No
Neighbour letters - Yes

REASON(S) APPLICATION REPORTED TO COMMITTEE:
Scheme of Delegation Part 2

- Recommendation to grant / approve – Town / Community Council objection

CONSULTATION RESPONSES:

ST ASAPH CITY COUNCIL:

Original response to consultation:

“Chestnut tree on the grounds that it has no sight of any independent evidence that both trees need to be removed. Pollarding and crown reduction may be a more suitable for such fine specimens. Unless the DCC tree officer is saying that both have to be felled then every effort should be made to retain them.

Second response following receipt of Councils Tree Consultants report:

“Regret that the tree needs to be cut down and would like options to retain the tree to be considered more seriously. The City Council is not convinced or assured by the report provided from a company outside of the area, particularly in regard to any replacement if the existing tree is removed. The replacement tree needs to be indigenous to North Wales rather than a Red Wood which is indigenous to California. The City council requests a site visit with DCC Tree Officer to look at available options before any permission is given by DCC for its removal.”

For information a site meeting took place on the 25th April with the Council's Tree Consultant and a subsequent response was received from Cllr Dewi Owens:

“7 members of the City Council met with tree person whom county had arranged to meet us to discuss a Horse Chestnut tree in the car park.

The owners of the Hotel had actually used the tree expert as their consultant and it was his recommendation to remove the tree and plant a replacement.

The majority of the members present felt that all should be done to preserve as much of the tree as possible and that it should be assessed as to how much lopping and possible tying in of limbs needs to be done to achieve this.

I am sure that the city clerk will be putting in a report to you once the tree expert has informed her of the outcome of the meeting.”

DENBIGHSHIRE ARBORICULTURE CONSULTANT:

“The horse chestnut is a large mature specimen in the car park that due to its size and the open landscape is a prominent and previously attractive feature within the hotel grounds and wider landscape. The tree’s Diameter at Breast Height is 1400mm indicating that it is of significant age and was planted in the early to mid-19th century.

The application to fell the tree has been made following the tearing out of a large branch into the car park on the tree’s northern side. The loss of the branch has led to a significant proportion of the crown being shed leaving an asymmetrical specimen that has a poor unbalanced appearance. The torn out branch has resulted in a socket at 2m above ground level that is approximately 1m wide and 2m high. Examination of the fork shows an area of included bark at the top of the tear which would have created a weakness. This structural weakness was probably made worse by the presence of extensive decay in a stub branch (+400mm diameter) near the top of the tear to the west. The bark in the weak fork, that is now exposed, also has sporophores of a decay fungus, *Kretzschmaria deusta* which can cause wood to become brittle. Evidently, these factors have led to the failure of the branch.

The loss of the branch has not only compromised the tree’s aesthetic appearance but has structurally undermined it. Exposed wood of horse chestnut is prone to decaying rapidly and will, over time, make it structurally weak. Taking into account the large injury to the trunk and colonisation by a decay fungi I am of the opinion that felling the tree, as proposed in the application, is acceptable. The other option would be to reduce or pollard the tree to balance the crown in expectation of progressing decay. Even if the crown of the tree is reduced, as opposed to pollarding, it will have the effect of very significantly diminishing the tree’s aesthetic appearance when compared to its form prior to the branch failure.

Granting consent to fell the tree will allow a condition to be imposed requiring a replacement tree to be planted. The appended condition requires a giant redwood (*Sequoiadendron giganteum*) to be planted. This is a species of tree that was introduced to Great Britain from North America in 1853 and was commonly planted as a specimen tree in the grounds of properties of that period. The species is therefore contemporaneous with the Victorian glasshouse and walled garden in the hotel grounds. Horse chestnut is unsuitable as a replacement because it is prone to several diseases that undermine their suitability as a specimen tree.”

RESPONSE TO PUBLICITY:

In objection

Representations received from:

Angela Gregory, 5 Hen Walaiu, St Asaph.

Summary of planning based representations in objection:

Visual amenity- The tree has been part of the Talardy Park for years providing conkers to local children and adding character to the local area.

Justification/Need to fell- Too many trees are disappearing. The application does not state any reason why it should be removed, let alone a valid one.

EXPIRY DATE OF APPLICATION: 20/04/2016

REASONS FOR DELAY IN DECISION:

- Negotiations ongoing with City Council

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

- 1.1.1 Members will recall that this application was deferred from consideration at the May Planning Committee to allow for the City Council to seek an independent tree report on the condition of the Horse Chesnut tree. The report has not been submitted at the time of drafting this report however it is expected before the Committee and if submitted it will be included with Officer commentary in the late information sheets.
- 1.1.2 This application seeks consent for the felling a Horse Chestnut tree at the Talardy Hotel in St Asaph. The tree is the subject of a tree preservation order.

- 1.1.3 The applicants supporting statement outlines concerns about the safety and stability of the tree and its general condition, following loss of a significant limb.

1.2 Description of site and surroundings

- 1.2.1 The horse chestnut is a large mature specimen in the north western corner of the car park.
- 1.2.2 The tree is believed to be of a significant age and according to the Councils Tree Consultant was probably planted in the early to mid-19th century
- 1.2.3 The Talardy Hotel is a Grade II Listed Building, within the ground there is a Glass House which is the subject of its own listing.
- 1.2.4 The application site is located on the northern side of junction 27 of the A55. It is bounded to the south by the A55 slip road and to the north by the residential estate of Hen Waliau. To the east is the A525 and to the west is agricultural land.

1.3 Relevant planning constraints/considerations

- 1.3.1 The original TPO order for the site is the Talardy Hotel Tree Preservation Order 1975 Annex 1.

1.4 Relevant planning history

- 1.4.1 Consent to fell a decaying lime in the car park was granted in 2015 and it has now been removed. There is a condition requiring a replacement tree to be planted in the car park which is outstanding.

1.5 Developments/changes since the original submission

- 1.5.1 None.

1.6 Other relevant background information

- 1.6.1 This application is being reported to the Planning Committee as concerns have been raised in relation to the felling by the City Council.
- 1.6.2 Members will see from the City Council's consultation responses above that Officers have engaged with the City Council regarding this issue.
- 1.6.3 Following a request from St Asaph City Council, the Councils Tree Consultant met with representatives of the City Council on the 25th April. At the meeting it was agreed to request that Applicants consider managing the tree's decline by pruning it back in stages in response to decay and dieback, as opposed to felling the tree. The merits and disadvantages of this option have been explored by the Applicants and their arboricultural contractor, however the application has not been amended and the proposal to fell tree remains to be determined as submitted.

2. DETAILS OF PLANNING HISTORY:

- 2.1 There have been various applications for tree works granted on the site, the last of which was in 2015.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

3.1 Denbighshire Local Development Plan (adopted 4th June 2013):

- RD1 – Sustainable development and good standard design
- VOE 1 – Key Areas of Importance
- SPG 6 – Trees and Development

3.2 Government Policy/Guidance:

Planning Policy Wales 8, January 2016

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, January 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Amenity value of the trees
- 4.1.3 Is the proposal justified?

4.2 In relation to the main planning considerations:

- 4.2.1 Principle

Local Development Plan Policy VOE 1 seeks to protect sites from development that would adversely affect their biodiversity/landscape value. Policy RD 1 includes criteria which seek to protect the visual amenity of the area.

Planning Policy Wales (Section 5) states that trees, woodlands and hedgerows are of great importance as both wildlife habitats and in terms of their contribution to landscape character and beauty. Trees, woodlands and hedgerows also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. PPW 8 further advises that Local Planning Authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.

Tree Preservation Orders are made on the basis of an assessment of the amenity value of the trees. Therefore, in determining applications for consent for felling or carrying out works to protected trees, current advice to planning authorities is as follows:

- i) to assess the amenity value of the tree or woodland, and the likely impact of the proposal on the amenity of the area, and
- ii) in the light of their assessment at i) above, to consider whether or not the proposal is justified, having regard to the reason put forward in support of it.

A proposal to carry out works on protected trees is therefore considered acceptable in principle subject to consideration of the above tests.

- 4.2.2 Test i) - Amenity value of the trees:

The tree subject to the proposal is situated in the car park of the Talardy Hotel in St Asaph. The Tree is a Horse Chestnut Tree.

The application to fell the tree has been made following the tearing out of a large branch into the car park on the tree's northern side.

The tree is in a prominent location within the street scene and clearly affords a degree of 'pleasantness' to the area and the setting of the Talardy Hotel Listed Building. Its loss would have some impact on the area. However, the Tree Consultant notes that

the loss of the branch on the northern side of the tree has had a significant effect on the balance of the tree, and there are signs of decay fungus on the tree.

In Officers opinion, the amenity value of the tree has been compromised by the loss of the limb. In respect of the amenity considerations, it is considered that the felling should be consented. It is suggested that suitable replacement tree be conditioned to mitigate for the loss of the Horse Chestnut. Regarding the choice of replacement, the Tree Officer has suggested that a giant redwood be planted in lieu of the Horse Chestnut. Whilst the City Council raised some concerns over the choice of tree, the Council's Tree Consultant has advised that this is a species of tree that was introduced to Great Britain from North America in 1853 and was commonly planted as a specimen tree in the grounds of properties of that period. The species is therefore contemporaneous with the Victorian glasshouse and walled garden in the Listed Talardy Hotel grounds.

4.2.3 Test ii) - Is the proposal justified?

The applicant's case is that the tree is in a poor condition following the loss of the branch on its north western side. The Council's Tree Consultant has advised that the loss of the branch has not only compromised the tree's aesthetic appearance but has structurally undermined it. Exposed wood of horse chestnut is prone to decaying rapidly and will, over time, make it structurally weak. Therefore the felling is considered to be justified.

The City Council's preference to retain the tree and reduce or pollard it to balance the crown in expectation of progressing decay would have the effect of very significantly diminishing the tree's aesthetic appearance when compared to its form prior to the branch failure. This would only enable the decline of the tree to be managed for a short period of time.

To assess the submitted justification, the Council has employed its own qualified Arboricultural Consultant. The Consultant considers that the submitted Arboricultural Report is a fair and reasonable assessment of the situation and implications of the works carried out on site.

5. SUMMARY AND CONCLUSIONS:

5.1 With respect to the comments of St Asaph City Council on the original application, and their request to seek independent advice, the proposal has been given serious consideration, and it is considered that the case for removal of the tree meets the relevant tests. A condition can be attached relating to a replacement tree.

5.2 It is the opinion of Officers that the proposal should be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The work shall be completed within 24 months of the date of consent unless the Local Planning Authority agrees to an extension of this period in writing.
2. Within the first available planting season (November to March inclusive) following the felling or substantial felling of the horse chestnut (T1) a replacement tree shall be planted in the area proposed in the application. The replacement tree shall be planted at least 1.5m from the brick garden wall to centre stem. The tree shall comprise of a containerised Giant Redwood (*Sequoiadendron giganteum*) minimum height of 2m. The replacement tree shall be supplied, planted and maintained for 5 years in accordance with BS8545 2014. Any variation to this condition must be agreed in writing with the Local Planning Authority.

The reasons for the conditions are:-

1. To ensure the work is carried out within a reasonable period.

2. To provide replacement amenity.

NOTES TO APPLICANT:

Consent was granted to fell a mature lime to the north of the horse chestnut (T1) in the car park under planning application 43/2015/0577. It appears that the replacement tree has not been planted and formal compliance with the condition is requested.