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43/2016/0106/TP

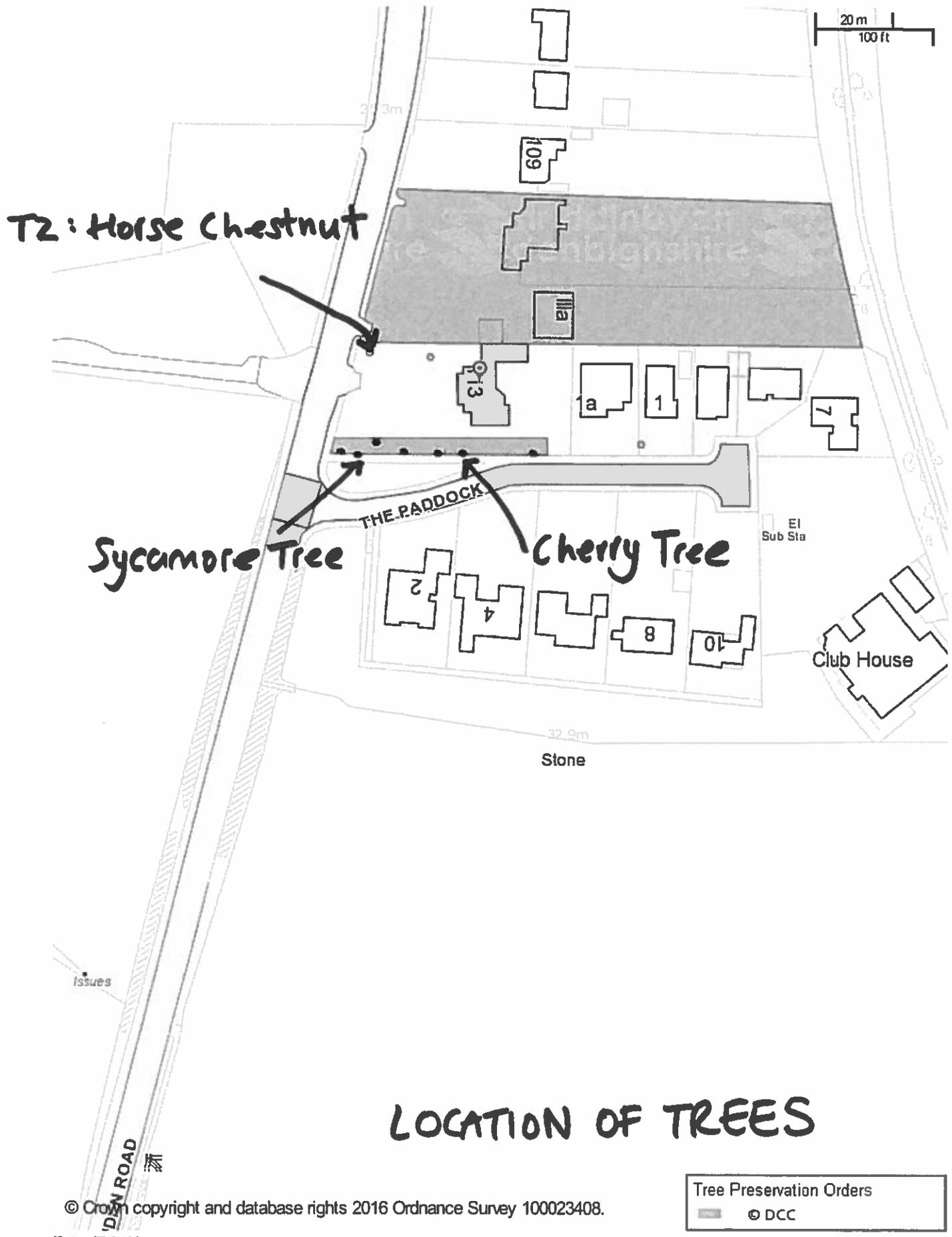
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Denbighshire Boundary




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Tree Preservation Orders	
	DCC

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WARD : Meliden

WARD MEMBER(S): Cllr Peter Evans (C)

APPLICATION NO: 43/2016/0106/ TP

PROPOSAL: Removal of branches from Horse Chestnut tree (T2), felling of 1 no. sycamore tree and pollarding of 1 no. Cherry tree (Group G1) subject to Tree Preservation Order No. 3, 1985

LOCATION: 113 Meliden Road Prestatyn

APPLICANT: Mr Stephen Parker

CONSTRAINTS: 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

- Application submitted by DCC Head of Service

CONSULTATION RESPONSES:

PRESTATYN TOWN COUNCIL:
"No objection"

ARBORICULTURIST CONSULTANT:

No objection to the proposed tree works subject to a condition requiring a replacement tree is included to provide future amenity.

RESPONSE TO PUBLICITY:

None

EXPIRY DATE OF APPLICATION: 30/3/16

REASONS FOR DELAY IN DECISION:

- awaiting key consultation response(s)
- awaiting referral to Planning Committee

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 Consent is sought for the removal of branches from a Horse Chestnut tree (T2), the felling of 1 no. sycamore tree and the pollarding of 1 no. cherry tree (Group G1) subject to Tree Preservation Order No. 3, 1985.

1.1.2 The reasons given for the proposed tree work relate to branches overhanging the highway, obstruction of the footway and also the poor health and condition of the trees.

1.2 Description of site and surroundings

1.2.1 The Horse-chestnut is situated to the front of 113 Meliden Road adjacent to the boundary with the highway and the neighbouring property at 111A Meliden Road. The Sycamore and Cherry trees are located within the group along the boundary of the property with The Paddock.

1.3 Relevant planning constraints/considerations

1.3.1 Rhuddlan Borough Council (Woodland Park) Tree Preservation Order no.3, 1985.

1.4 Relevant planning history

1.4.1 None

1.5 Developments/changes since the original submission

1.5.1 None

1.6 Other relevant background information

1.6.1 None

2. DETAILS OF PLANNING HISTORY:

2.1 None

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

TAN 10 – Tree Preservation Orders (1997)

WO Circular 64/78

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 tree

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 of 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 government advice to 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.

The proposal is therefore considered acceptable in principle subject to consideration of the above tests.

4.2.2 Test i) - Amenity value of the tree:

The Horse-chestnut is situated to the front of 113 Meliden Road adjacent to the boundary with the highway and the neighbouring property at 111A Meliden Road. The tree is a mature specimen that is in good condition, has reasonable form and affords significant amenity mainly due to its roadside position. There are branches which extend over the carriageway by several metres and their removal is considered acceptable.

The sycamore tree it is proposed to fell has poor form and very low vigour. The tree is heavily suppressed by an adjacent mature sycamore to the West and also, to a lesser extent, by a mature pine to the east. The tree is considered to be in terminal decline and will not recover, and the amenity it affords to the locality is minimal due to its poor condition, poor form and obscured position. There is therefore no objection to its removal, subject to a replacement tree being planted to provide for future amenity.

The cherry tree is a mature tree that is suppressed by an adjacent sycamore tree. Due to its suppression the tree has poor form and affords limited amenity although it appears to have fair vigour. The proposed pollarding will remove the asymmetrical crown but due to phototropism new growth will inevitably result in the same asymmetric crown forming. Notwithstanding it is not considered the Cherry to be of significant merit to the areas amenity and there is no objection to the proposal to pollard the tree.

The proposed tree work to the most significant tree is minor. The felling and pollarding proposed affects a dying tree and a poorly shaped tree. As a result the proposed tree work will not adversely affect the amenity afforded by the trees.

4.2.3 Test ii) - Is the proposal justified?

The applicant's case in relation to the Horse Chestnut along the front boundary of the property has branches which overhanging the highway and footway with evidence that branches are being struck by vehicles. It is also considered that there is a danger to both pedestrians and to vehicles and therefore it is proposed to remove the branches causing an obstruction.

The sycamore tree is dying and therefore requires removal. The cherry tree is required pollarding to get it back to a symmetrical shape.

The LPA's Consultant considers that the proposed works to be acceptable and justified. In accepting the proposed tree works which includes the removal of a dying sycamore, the Consultant has recommends a condition is imposed requiring a replacement tree is planted, details of which should be submitted and approved in writing by the LPA..

5. SUMMARY AND CONCLUSIONS:

- 5.1 The proposed tree works are considered acceptable subject to a replacement tree being planted to provide future long term amenity.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The works 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. All tree pruning shall be carried out in strict accordance with the British Standard BS3998 (2010) Recommendations for Tree Work.
3. Within the first available planting season (November to March inclusive) following the felling or substantial felling of the sycamore (Tree B) a replacement tree shall be planted in the front garden, in a position, species and size to be agreed with the Local Planning Authority in writing. 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 reason(s) for the condition(s) is(are):-

1. To ensure the work is carried out within a reasonable period.
2. To ensure the work is carried out to a satisfactory arboricultural standard that safeguards the amenity afforded by the sycamores.
3. To provide replacement amenity.

NOTES TO APPLICANT:

You are advised that all works shall be carried out by a competent tree surgeon in accordance with British Standard Recommendations for Tree Work BS 3998:2010.