

APPLICATION REFERENCE: PL/2020/02774/TPO**Site Address:** Woodland Off Beconsfield Close Dorridge Solihull

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| Proposal: | Fell 1 No. mature alder tree in woodland adjacent 18 Beconsfield Close. |
| Web link to Plans: | Full details of the proposal and statutory consultee responses can be found by using the above planning application reference number at: https://publicaccess.solihull.gov.uk/online-applications/ |

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| Reason for Referral to Planning Committee: | Council application and 1 objection received. |
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| Recommendation: | APPROVAL SUBJECT TO CONDITIONS |
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EXECUTIVE SUMMARY

The application seeks permission to fell 1 mature Alder tree located within the woodland adjacent to 18 Beconsfield Close, Dorridge. This area of woodland is owned and maintained by SMBC. The tree is proposed to be felled as it is within close proximity to the dwelling at No. 18 and is considered a nuisance. In addition, the tree is a multi-stemmed specimen with some included bark between stems which is considered to be a structural defect.

This report will demonstrate that the proposal is acceptable and is in accordance with Policies P10 and P14 of the Solihull Local Plan (2013) subject to conditions.

MAIN ISSUES

The main issues in this application are the effects of the development:

- Firstly, on the amenity value of the trees
- Secondly, on the health and longevity of the trees

CONSULTATION RESPONSES**Non Statutory Consultees**

The following Non-Statutory Consultee responses have been received:

SMBC Landscape - No objections subject to conditions

PUBLICITY

The application was advertised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015.

1 response was received. All correspondence has been reviewed and the main issues raised are summarised below (Planning Committee Members have access to all third party correspondence received):

Impact on the amenity value of the tree

- The proposed works are deemed to be unnecessary as the objector states the tree is in good condition and the loss of a healthy tree would negatively impact the amenity value of the woodland

PLANNING ASSESSMENT

Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that: -

'Where in making any determination under the planning acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise'.

The National Planning Policy Framework at paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

This report considers the proposal against the Development Plan (Solihull Local Plan), the relevant policies of the National Planning Policy Framework ("NPPF") 2019, the National Planning Practice Guidance.

The NPPG advises that in considering an application for works to a tree protected by an Order, the local planning authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified, having regard to the reasons and additional information put forward in support of it.

MAIN ISSUES:

Will the proposed works impact on the amenity value of the tree?

By its very nature of removing a tree, this will have an impact on the amenity value. However, the location of the tree is within a woodland and therefore it will not be significantly harmful to the medium or long-term integrity of the woodland unit (since this is a woodland order). In addition, there are other younger trees in the same area

of the woodland which would quite reasonably be expected to grow into the gap created by the removal of this one tree.

For this reason, the proposal complies with Policy P14 of the Local Plan and this carries neutral weight in the planning balance.

The justification for the proposed works

The works as proposed to remove the tree is because the position of the tree is located close to the property of No. 18 Beconsfield Close. In the past it has been pruned to avoid the tree conflicting with and causing a nuisance to the property. In addition, the tree is a multi-stem specimen with some included bark evident between stems which (whilst not profound) is considered to be a structural defect. Accordingly, the tree is not on a specimen of particular merit.

Therefore, the removal of such a tree, in the woodland location, is considered to be the best option in this case. Having regard to the extent of adjacent and surrounding trees protected by the Order, the loss of this one particular tree will not be significantly harmful to the integrity of the woodland.

In addition, a condition can be included in the decision notice to ensure a replacement tree is planted (see condition 3).

For this reason, the proposal complies with Policy P10 of the Local Plan and this carries neutral weight in the planning balance.

Public Sector Equality Duty

In determining this application, Members must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions).

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149 is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation to grant permission in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In determining this application, Members should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority to act in a manner that is incompatible with the European Convention on Human Rights.

CONCLUSION

The proposed felling of the tree is considered to be acceptable, given that the proposed works are to a multi-stemmed specimen that is located close to No. 18 Beconsfield Close and has caused issues in the past. The removal of such a tree that is located within a woodland area is found to be acceptable. The proposal

therefore is found to comply with Policies P10 and P14 of the Solihull Local Plan (2013).

RECOMMENDATION

Approval is recommended subject to the following précis of conditions a full list of standard conditions is available using the following link:

<http://www.solihull.gov.uk/Resident/Planning/searchplanningapplications>:

1. The work hereby approved must be completed within two years of the application date.

To comply with the MHCLG National Planning Practice Guidance and Policy P10 and P14 of the adopted Solihull Local Plan (2013).

2. The work hereby approved must be carried out in accordance with current British Standard BS3998: Recommendations for Tree Work [2010] and industry best practice in relation to: the position of pruning cuts; the time of year in which pruning is undertaken and; the use of clean and sharp equipment.

To ensure that the works are carried out in a satisfactory manner and in the interests of the visual amenity of the area in accordance with Policy P10 and P14 of the Solihull Local Plan 2013.

3. Within the first available planting season following the felling of the tree, a replacement tree shall be planted in accordance with details confirming size, species, numbers and location to be first agreed with the Local Planning Authority in writing. These details must be agreed before the removal of the tree unless otherwise agreed in writing with the Local Planning Authority.

In the interests of the character of the area in accordance with Policy P10 and P14 of the Solihull Local Plan 2013.

INFORMATIVES

For the avoidance of doubt the trees referred to in this decision notice are identified at section 7 of the application form received 23rd November 2020 and tree location plan.