

Planning Officer: Mr S Davis

Planning Application Ref: AL/42/19/PL

Location: Nyton House, Nyton Road, Westergate, PO20 3UL

Description of works: Construction of a 10 No. bedroom dementia unit with attached covered walkway in the grounds of Nyton House Care Home and including the conversion of an existing garage into a staff day room, the erection of a new garage with laundry room, garden store & external bin store, demolition of various outbuildings and sections of wall and the re-landscaping of the existing garden areas. This application affects the setting of a listed building.

Comments on Application:

- I undertook a site inspection on 15th August 2019, having full access across the site to assess the potential impact on trees.
- The applicants have employed **mh architects** to prepare a Tree Survey and Tree Protection Plan for this project. The Design and Access Statement refers (p12) to an accompanying tree report from CBA Trees but I cannot see this has been provided.
- The tree data provided is accurate and accords with the requirements of BS5837:2012 and I agree with the retention category ratings. That said, the survey is incomplete as it fails to record those off-site trees which overlap the development and may be affected by the same – notably a mature eucalyptus adjacent the NE corner of the main parking area. [This tree has now been formally included in the applicant's arboricultural assessment. It is not of sufficient value to justify the making of a Tree Preservation Order \(TPO\). It has been proposed for removal.](#)
- The proposed main building footprint and access path will intrude into (perceived 3rd party) off-site tree T4 – birch's root protection area (RPA).
- The existing timber office building which sits on a substantial concrete pad is proposed for demolition. I can see no reference made to whether the existing pad is to be retained or broken up and dug out. If it is the latter, that may well occur within the RPA of T10 – yew, a tree of significant merit.

Conclusions:

- Tree survey data is incomplete and should include all off-site trees which overlap the development. [The tree survey data is now complete.](#)
- There is no supporting arboricultural report nor importantly a method statement which both describes and illustrates the mitigation measures which are to be employed to ensure that retained trees overlapping the development survive without detriment to their vigour and vitality. [We are now in receipt of a document **Tree Protection: Construction Method Statement \(CMS\)** and updated Tree Protection Plan, dwg. no. 330-01-02A albeit incorrectly referenced as an Arboricultural Impact Assessment – which it is not. It does not illustrate the areas of 'no-dig removal of floor slab' in accordance with the key, although there is sufficient description of the locations affected and method to be employed within the aforementioned CMS.](#)
- [The level of information provided for this development is now adequate for me to remove my Objection subject to my recommended conditions being applied.](#)

Recommendations:

- As it stands, I must register an OBJECTION.
- For me to be able to overcome this objection, I will need to see an Arboricultural Impact Assessment and Method Statement inclusive of a revised Tree Protection Plan, ideally prepared by an arboricultural consultant, defining which

trees are to be retained and which trees are to be removed and how they would propose to protect the retained trees and if necessary mitigate any adverse impact on the root systems of these trees – thus complying with the recommendations of BS5837:2012 – Trees In Relation to Design, Demolition and Construction.

- I recommend the making of a Tree Preservation Order in respect of T10 to preserve its place in the landscape. I attach a TEMPO form and GIS plan for this purpose.
- I am able to remove my objection and recommend **APPROVAL** for this scheme, subject to the following conditions being applied:
- All activity at the site is to be carried out in strict accordance with: - **TREE PROTECTION: CONSTRUCTION METHOD STATEMENTS, David Hares Landscape Architects, ref. DH-330-01-07**
- Before the site is occupied or any machinery is introduced to the site or demolition work or construction work or alterations to existing ground levels takes place a **PRE-COMMENCEMENT Site Meeting** is to take place between the Planning Authority's Tree Officer and the Arboricultural Expert representing the site owner(s) – at this meeting all protective fencing and ground protection measures will be inspected to verify they are 'Fit for Purpose' as required under British Standard 5837:2012 and have been erected and positioned exactly as shown on the **Tree Protection Plan (Arboricultural Impact Assessment), dwg. no. 330-01-02A.**
- A schedule of Site Monitoring/Supervision visits and Reporting Procedures prepared by an Arboricultural Expert will be required and their extent will be agreed on at the site meeting to the satisfaction of the Planning Authority's Tree Officer.
- If there is deemed to be a need for any Utility Service Route connections to bisect retained tree Root Protection Areas/Zones then prior to their installation a Method Statement prepared by an Arboricultural Expert must be submitted that stipulates how this can be achieved without adverse impact on tree roots. Written approval and confirmation of acceptance of this Methodology must be issued before any works are commenced out on site.

Reasons: To comply with BS5837 and to ensure that retained trees are afforded due respect and appropriate levels of protection such that their ongoing health and vitality is not compromised and they can continue to enhance the landscape and amenity of the area.

- Any tree pruning approved or considered essential to enable the agreed development must meet the requirements of BS3998:2010 Tree work – Recommendations:
- Where whole branches are to be removed and final cuts made close to the trunk or branch union they are to be made as shown in Figure 2 of BS3998:2010
- Where branches are to be shortened back the final cuts are to be made at the correct angle shown in BS3998:2010 and adjacent to a live bud or lateral.

Reasons: In the interest of continued health and vitality of trees and to accord with current industry guidelines and sound arboricultural practice.

Mark Warwick
Tree Officer / Parks and Greenspace Team