

DELEGATED REPORT

Application No:	P/26/0073
Site Address:	Park Terrace Merthyr Tydfil CF47 8RF
Development:	Removal of a tree (<i>tilia x europaea</i>), also known as a common linden tree from the public footpath outside Maes-y-coed guest house
Case Officer:	Kate Glover
Site Visit:	16th April 2026
Application Expiry Date:	2nd June 2026
Consultation reply date expired:	29th April 2026

APPLICATION SITE

The tree which is the subject of this notification is located on a pavement which serves Park Terrace, and inside the Morgantown Conservation Area. The tree is a mature common linden tree which is visible from the public realm and can be observed as part of the street scene and can be seen as of a group of 4 linden trees which are located further along Park Terrace. The tree subject to the notification is located on Council-owned land and is not within the applicant's ownership or control.

The tree is subject to ongoing management by the Council. A recent site visit confirms that the tree has been pollarded, and that works have recently been undertaken to the surfacing around the base of the tree, indicating active management.

PROPOSED DEVELOPMENT

This notification is supported by an Inspection Report, prepared by a building consultant, raising concerns regarding the tree. In summary, the inspection report focused on the condition, function and risk profile of the existing historic retaining wall, the newly constructed reinforced concrete retaining wall, and the recently formed drive-on roof and parking area serving new guest accommodation.

The inspection confirmed that the retaining wall consists of an older historic stone wall, supplemented by a new reinforced concrete retaining wall constructed in 2025 to meet Building Control requirements and to enable the development of new guest accommodation. The combined arrangement is currently considered structurally appropriate for its intended purpose. However, the inspection identified a tangible longer-term risk to the new drive-on roof and parking area arising from a large, established street tree located within the adjacent public footpath. Existing damage to the footpath indicates ongoing root movement, and there is a credible risk that root growth could

extend towards and affect the transition between the footpath and the new drive-on roof. As the footpath and tree are under local authority control, the applicant is unable to undertake direct mitigation measures. The presence of the tree represents a recognised future maintenance, access and insurance risk, particularly given that the parking area sits above guest accommodation, and early engagement with the local authority is advised to manage this risk.

PLANNING HISTORY

The Council's records do not indicate any other recent or relevant planning history for this site. However, the following records are noted in relation to Maesycoed, Pontmorlais West, Merthyr Tydfil, CF47 8UY, which is the adjacent property referred to in the Inspection Report:

- P/25/0182 Ground floor extension to create additional guest bedrooms and staff accommodation. Construction of new lobby/reception and associated parking and walkway.
Approved: 09 Oct 2025

- P/25/0018 Non-material amendment to planning permission P/08/0454 to re-arrange locations of guest rooms, altered access to first floor and increase in the size of the porch
Refused: 07 Mar 2025

- P/08/0454 Erection of five new guestrooms and storage room with parking above, conversion of existing guestrooms (No. 9 & 10) to storage rooms and erection of entrance porch
Approved on 09 Apr 2009

- P/03/0526 Full application to create additional accommodation.
Approved on 23 Dec 2003

- P/83/0676 Change of use of dwelling to guesthouse.
Approved on 16 Feb 1984

CONSULTATION

The following was consulted and their responses are summarised below:

Council's Arboriculturalist: The tree is not located on the applicant's land but is owned and maintained by the Council and lies within a designated conservation area. For this reason, it is recommended that the removal of the tree is declined.

The Arboriculturalist adds that the existing conservation area controls are considered sufficient to protect the tree. Tree Preservation Orders are not normally applied to Council-owned land, and the street trees in this location are managed collectively on a three-year cyclic maintenance programme. Introducing additional restrictions in the form of a TPO would therefore need to apply consistently to all trees along the street.

It is noted that there have been previous issues in this area, including the unauthorised felling of a neighbouring tree.

PUBLICITY

Not applicable for this type of planning application.

POLICY AND LEGISLATIVE CONTEXT

Section 211 of the Town and Country Planning Act 1990.

National Development Framework

Future Wales: the National Plan 2040 (February 2021) sets out a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

National Planning Policies

Planning Policy Wales (Edition 12, February 2024) Paragraph 6.4.44 states *“The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans.”*

Technical Advice Note 10 – Tree Preservation Orders 1997

CONSIDERATIONS

Under Section 211 of the Town and Country Planning Act 1990, notifications for works to trees in a Conservation Area allows the Local Planning Authority the opportunity to consider whether the tree should be afforded further protection under a Tree Preservation Order (TPO). To justify the need to serve a TPO, the tree must provide significant public amenity and be expedient to protect.

In assessing the notification, the following matters are relevant:

- The amenity value and contribution of the tree within the Conservation Area
- The condition and management of the tree
- The fact that the tree is Council-owned and already subject to Local Authority management
- Whether there is justification for additional statutory protection by way of a TPO

It is noted that the Linden tree is clearly visible in the public realm and by itself and as part of the other Linden trees along the Avenue, make a contribution to the setting and character to this part of the conservation area.

The applicant has submitted supporting information prepared by a building consultant, raising concerns regarding the tree. However, no assessment has been provided by a qualified arboricultural consultant.

Concerns relating to the condition of a tree, its root spread, or its potential impact on nearby structures are arboricultural matters and would ordinarily require professional arboricultural evidence to be given weight in decision-making.

It is also noted that in relation to planning permissions references P/25/0182 and P/08/0454, there was no indication that any trees on or adjacent to the site which would be affected or felled.

Having regard to the purpose of the section 211 process, it is not considered expedient to make a Tree Preservation Order in this instance for the following reasons:

- The tree is not within the applicant's ownership, and works cannot be authorised to third-party land through the section 211 process
- The tree is already under direct Council control and management
- No arboricultural evidence has been submitted identifying a specific tree-related issue warranting additional protection
- Conservation Area status already affords a level of protection, and no further statutory control is justified at this time

Accordingly, it is considered that no evidence has been submitted by an arboriculturalist to confirm that the tree is detrimental to the structural integrity of buildings/development on the adjacent site. In addition, the tree does not require additional protection though a formal Tree Preservation Order as the tree can continue to be managed appropriately through existing Council maintenance arrangements.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly, the following recommendation is made:

RECOMMENDATION: That there is no Tree Preservation Order in respect of the tree subject to this section 211 notification.

INFORMATIVES

1. The applicant is advised that the section 211 process does not authorise works, require action by the landowner, or provide a mechanism for resolving concerns regarding the condition or alleged impact of a tree on third party (Council owned) land.
2. Should the applicant wish to pursue concerns regarding the tree's condition or its potential impact on adjacent property, these would need to be supported by appropriate arboricultural evidence prepared by a suitably qualified arboricultural consultant, rather than a building surveyor, and raised through the appropriate non planning channels.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 30.04.2026