

DELEGATED REPORT

Application No: P/25/0017

Site Address: Trederwen
Brondeg
Heolgerrig
Merthyr Tydfil
CF48 1TP

Development: Crown reduction of up to 3m to mature oak tree to reduce risk of limb failure and removal or stabilisation of dead, dying or vulnerable limbs within the crown as required

Case Officer: Rebecca Owens

Application Expiry Date: 31st March 2025

Consultation reply date expired:

APPLICATION SITE

The tree subject to this application is a mature oak tree protected by Tree Preservation Order 20, (2012) and is located within the front garden of a residential property.

PROPOSED DEVELOPMENT

This application seeks permission to reduce the crown of the oak tree by up to 3m to reduce the risk of limb failure and the removal or stabilisation of dead, dying or vulnerable limbs within the crown as required.

The supporting information indicates that the tree appears to be generally in good health. However, it is noted that whilst there is a fork in the main stem at approximately 2.8m which is not thought to be a major structural weakness, this may still be prone to failure if end loading of branches within the upper crown increases. It is also highlighted that the within the lower and middle parts of the crown there are several dead limbs and that some heavy end loaded limbs are developing over the property.

PLANNING HISTORY

There is only one recent application relating to this tree which is summarised below:

P/16/0029 Remove deadwood and ivy and cut back stubs of oak tree (TPO 2012 - No. 20)
 Granted tree work(s) approval on 7 March 2016

The wider site has an extensive planning history, the most recent applications are summarised below:

P/18/0401 Erection of dwelling
Granted planning permission subject to conditions on 1 July 2019. Condition 1 relates to this tree:

P/20/0079 Non Material amendment to planning permission P/18/0401 for alterations to windows and doors, changes to garden/boundary walls and fence, change driveway surfacing materials to pavements, introduce side gate and timber screen and rearrange internal rooms
Granted planning permission subject to conditions on 14 September 2020.
Condition 1 relates to this tree:

"In relation to the tree protect by a Tree Preservation Order, the development shall be carried out in accordance with the Aboricultural Impact Assessment and Method Statements produced by Aboricultural Consultants Cardiff Treescapes, Revised version dated 10 June 2020 and received on 30 June 2020.

Reason -To ensure compliance with the approved plans and clearly define the scope of the permission.

P/21/0247	Discharge of conditions 4 (site investigation), 6 (retaining wall calculations), 9 (materials), 11 (landscaping) and 13 (bird boxes) of planning permission P/18/0401 Conditions discharged on 3 August 2021
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P/21/0415	Discharge of condition 3 (Foul and Surface water drainage) of planning permission P/18/0401 Conditions discharged on 6 July 2022
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CONSULTATION

The following bodies were consulted and their responses are presented below:

MTCBC Arborist No objection

PUBLICITY

Not applicable for this type of planning application.

POLICY CONTEXT

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 11, February 2021)

Paragraph 6.4.27 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)*'

Technical Advice Note (TAN) 10: Tree Preservation Orders (1997)

Section A32 in relation to section 211 TCPA 1990.

PLANNING CONSIDERATIONS

When assessing an application for works to a protected tree(s) a judgement must be made to in regard to whether the works are justified in the context of the amenity value of the tree(s). In this case, the proposal has been considered by the Council's Arborist who is satisfied with the proposal in this respect and as such, has not raised any objections to the application.

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: BE APPROVED

CONDITIONS:

None.

INFORMATIVES

1. This planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence. All bats and their roosts are protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb a bat or to recklessly damage or destroy their breeding sites or resting places.

If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 07.02.2025