

DELEGATED REPORT

Application No: P/23/0069

Site Address: The Gables
7 The Ferns
Quakers Yard
Treharris
CF46 5LQ

Development: Crown reduction of mature oak tree by 30 per cent

Case Officer: Rebecca Owens

Application Expiry Date: 15th May 2023

Consultation reply date expired: 11th April 2023

APPLICATION SITE

The tree subject to this application is a mature oak tree protected by Tree Preservation Order 4/ 1998 and is located within the rear garden of a residential property.

PROPOSED DEVELOPMENT

This application seeks permission to reduce the crown of the oak tree by 30 per cent. In justification for these works, the applicant has noted that the tree was last cut in 2014 and some of the branches have since grown close to the side of the dwelling and above the garage. The tree requires further cutting to maintain it in a good condition and balanced shape.

PLANNING HISTORY

The relevant planning history is summarised below:

P/14/0058 Cut back Oak tree (TPO/4/1998)
 Granted tree work(s) approval on 10 March 2014

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/REASONS:

None.

INFORMATIVES

1. This planning 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:

4/4/23