

DELEGATED REPORT

Application No: P/25/0046

Site Address: Land Adjoining 63 Sweetwater Park
Trefechan
Merthyr Tydfil
CF48 2LF

Development: Sycamore tree (Behind 63 Sweetwater Park) 20% canopy removal

Case Officer: Kate Glover

Site Visit: 13th February 2025

Application Expiry Date: 7th April 2025

Consultation reply date expired: 18th March 2025

APPLICATION SITE

This application relates to a tree protected under a Tree Preservation Order (TPO) located on land adjacent to the rear garden of 63 Sweetwater Park, which is a detached property that is located within a larger residential estate, positioned on the side of Cefn Cil Sanws mountain. The protected tree is situated on the outside edge of the settlement boundary.

It is noted that public right of way - Bridleway reference 111/20 (PROW), is located to the southeast side of the trunk of the tree.

PROPOSED DEVELOPMENT

The proposal is to remove 20% of the canopy of a Sycamore tree which is covered by a Tree Preservation Order (TPO) relating to 5 trees which are located in 5 different locations around the residential estate which comprises Sweetwater Park.

The reason given for the 20% removal of the crown of the tree is due to the tree being open to the elements and is hit badly by storms/wind/rain. It is believed the tree poses a risk to the life of applicant, their family's safety and the safety of the general public walking on the nearby path. The applicant refers to having evidence of 6ft branches falling.

RELEVANT HISTORY

P/25/0026 Full canopy removal of Sycamore tree (to the rear of 63 Sweetwater Park) which overhangs two adjacent garden areas (Tree Preservation Order)
Refused: 21 Feb 2025

CONSULTATION

The following was consulted and their responses are summarised below:

Council's Arboriculturalist: A crown reduction of 20% will mitigate the risk, the overhang and the health of the tree in question. Acer Pseudoplatanus, will respond well to a reduction of this scale, so it would be a sound solution to the complaint.

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 6.4.44 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

Section A32 in relation to section 211 TCPA 1990.

CONSIDERATIONS

The main considerations in the determination of this application are:

- *The effect of the felling of the tree on the character and appearance of the locality and the street scene; and*
- *Whether the reasons given for its removal are sufficient to justify that course of action.*

When approaching the site along the public highway the tree is visible behind No. 63. Furthermore, the tree is clearly viewed from a PROW and Cefn Cil Sanws mountain which, is open access to the public.

Given the size and nature of the tree, it makes a positive contribution to the character and appearance of the street scene and contributes the visual quality of the area by softening the relationship between the residential estate and the open mountain.

The proposed removal of the 20% of the crown would not result in detriment to the visual amenity of the area approach, is an appropriate method of reducing overhanging branches and would be beneficial for the overall health of the species (*Acer Pseudoplatanus*).

As noted above, the Councils Arboriculturalist has suggested a crown reduction of 20% would mitigate the risk, the overhang and protect the health of the tree.

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:

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RECOMMENDATION: BE APPROVED

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: 21.03.2025