

DELEGATED REPORT

Application No: P/25/0026

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

Development: Full canopy removal of Sycamore tree (to the rear of 63 Sweetwater Park) which overhangs two adjacent garden areas (Tree Preservation Order)

Case Officer: Kate Glover

Site Visit: 13th February 2025

Application Expiry Date: 13th 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 Cefn Cil Sanws mountain is open access to the public and in particular a public right of way - Bridleway reference 111/32 (PROW), is located to the west of the tree. There is approximately 176m between the tree and the nearest point from this bridleway, and as the bridleway runs in a northeast/southwest direction, the tree can be observed whilst walking along the PROW.

PROPOSED DEVELOPMENT

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

The reason given for the felling of the tree is that the tree is open to the elements and is hit badly with storms/wind/rain. The tree is 1 of 3 Sycamore trees located at the back of No. 63 and a neighbouring property. All the trees have been pruned in the past. The one in question is now a danger to life with large branches (longer than 6ft) falling during recent storms. Children play in the garden, and it is believed the tree poses a risk to the lives of the residents.

RELEVANT HISTORY

The Council's records do not indicate any other recent or relevant planning history for this site.

CONSULTATION

The following was consulted and their responses are summarised below:

Council's Arboriculturalist: Recommends that the proposed works to remove the crown may imbalance the tree making it more of a hazard than it is said to be. The Arboriculturalist has suggested that 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.

Ecologist: No objection subject to survey

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 several meters of the tree is visible behind No. 63. Furthermore, the tree is clearly viewed from a PROW and Cefn Cil Sanws mountain which, as noted above 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.

There are serious concerns with the proposed removal of the entire crown as this would result in detriment to the visual amenity of the area approach and concerning as the works are not appropriate for the species (*Acer Pseudoplatanus*) and would likely lead to the tree dying and/or becoming more unstable. It is also noted that the application is not supported with any report from a suitably qualified person which assesses the condition of the tree or provides any justification for the proposed removal of the entire crown.

As noted above, the Council's Arboriculturalist has suggested a crown reduction of 20% which should mitigate the risk, the overhang and protect the health of the tree.

The comments of the Planning Division's Ecologist are also noted. He has requested a Preliminary Roost Assessment (PRA) for bats and nesting birds be undertaken by an appropriately experienced bat ecologist prior to the works being undertaken. However, as this is an application for works to protected trees it is considered more appropriate to include an informative in relation to bats advising the applicant of the protection afforded to bats.

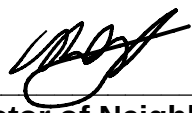
In conclusion, the proposed works are not acceptable in terms of the impact on the tree and the visual qualities that the tree makes to the street scene and wider area, nor are the works justified for reasons of safety as the works would likely result in a less stable tree.

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:

RECOMMENDATION: REFUSAL for the following REASON:

1. The proposed works to the Sycamore tree would cause significant harm to the character and appearance of the street scene and the wider area, and to the health of the tree. The application is not supported with any justification which would deem the works acceptable.

RECOMMENDATION ENDORSED


pp Director of Neighbourhood Services

DATE: 21.02.2025