

## **SECTION A – MATTERS FOR DECISION**

### **Planning Applications Recommended For Approval**

<b><u>APPLICATION NO:</u> P2023/0168</b>	<b><u>DATE:</u> 04/04/2023</b>
<b>PROPOSAL:</b> Works to 5x Oak (identified as 658, 659, 660, 661 & 664) and 2x Beech (identified as 662 & 663) covered by Tree Preservation Order T001/A1:  -658 (Oak) - Fell -659 (Oak) - Reduce to safe height of 12m (above main fork). -660 (Oak) - Fell. -661 (Oak) - Clear understory for re-inspection and sever ivy. -662 (Beech) - Reduce crown by 4m, and aerial inspection of fork at 8m. -663 (Beech) - Reduce crown by 4m. -664 (Oak) - Reduce to 5m pole.	
<b>LOCATION:</b> Land to the rear of 35, 36 & 37 Woodlands Park Drive Cadoxton SA10 8DE	
<b>APPLICANT:</b> Mr Philip Rogers	
<b>TYPE:</b> Application for Tree Works: Works to Trees Subject to a Tree Preservation Order (TPO)	
<b>WARD:</b> Cadoxton	

### **BACKGROUND**

This application is being brought before Committee as the applicant is an elected member of the Authority.

### **SITE AND CONTEXT**

The application site is a woodland area comprising of a variety of different species, located on steeply sloping land to the north of Woodlands Park Drive, Cadoxton. Due to the topography of the land the woodland trees are situated in an elevated position above the rear gardens of the properties along Woodlands Park Drive. The seven trees to which this application relates are located adjacent to the rear garden boundaries of 35, 36 & 37 Woodlands Park Drive.

### **DESCRIPTION OF DEVELOPMENT**

This application seeks permission to undertake works to five Oak trees, identified as 658, 659, 660, 661 & 664, and two Beech trees, identified as 662 & 663 covered by Tree Preservation Order T001/A1, comprising of;

- 658 (Oak) - Fell
- 659 (Oak) - Reduce to safe height of 12m (above main fork).
- 660 (Oak) - Fell.
- 661 (Oak) - Clear understory for re-inspection and sever ivy.
- 662 (Beech) - Reduce crown by 4m, and aerial inspection of fork at 8m.
- 663 (Beech) - Reduce crown by 4m.
- 664 (Oak) - Reduce to 5m pole.

All plans / documents submitted in respect of this application can be viewed on the [Council's online register](#)

## PLANNING HISTORY

The application site has no relevant planning history.

## CONSULTATIONS

**Blaenhonddan Community Council** - no objection, subject to the views of the Authority's Arboricultural Officer.

The **Authority's Arborist** - recommend that all work which has been recommended in the report is allowed to proceed.

The **Authority's Land Contamination Officer** - no comment.

The **Authority's Biodiversity Officer** - no objection.

## REPRESENTATIONS

The neighbouring properties were consulted via letter on 02/03/2023.

A site notice was also displayed on 07/03/2023.

In response, to date one representations has been received, with the issues raised summarised as follows:

- Request that further details are provided including but not limited to the following:
  - Plan showing which trees are to be felled.
  - Working method for felling in vicinity of the residential properties.
  - Arboricultural survey report showing the extent of the woodland that has been surveyed.
  - Proposals for dealing with the adjacent remaining trees, in particular how will potential de-stability and risk of further windthrow be managed.
  - Proposals for managing invasive species and regrowth of the rhododendron that is present.
  - Proposals for mitigating impacts to ecology.
  
- Note that the baseline on the plans used within the application do not correctly show the land ownership for their property.

## POLICY

The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet its sustainable development (or wellbeing) objectives. This report has been prepared in consideration of the Council's duty and the "sustainable development principle", as set out in the 2015 Act. In reaching the recommendation set out below, the Council has sought to

ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

#### National Planning Policy:

[Future Wales: The National Plan 2040](#) is the national development framework, setting the direction for development in Wales to 2040. The development plan 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 wellbeing of our communities.

The following policies are of particular relevance to the assessment of this application:

#### **Policy 9 – Resilient Ecological Networks and Green Infrastructure**

[Planning Policy Wales \(Edition 11, February 2021\)](#) outlines the Welsh Government's commitment to the importance of 'places' and 'place-making', the importance of using previously developed land wherever possible in preference to greenfield sites, and the recognition of the health and wellbeing related benefits by creating a sense of place and improving social cohesion. PPW 11 confirms that the environmental components of places are intrinsically linked to the quality of the built and natural environment and contribute to the health and wellbeing of the people who live, work and play there. It emphasises the importance of creating sustainable communities and reducing reliance on the private car as part of a package of measures to reduce the country's carbon footprint and help tackle the climate emergency.

The following is of particular relevance in the assessment of this planning application:

6.4.24 *“Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials”.*

6.4.25 *“Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting”.*

PPW 11 is supported by a series of more detailed [Technical Advice Notes](#) (TANs), of which the following are of relevance: -

- Technical Advice Note (TAN) 10: Tree Preservation Orders.

## Local Planning Policies

The Local Development Plan for the area comprises the [Neath Port Talbot Local Development Plan](#) which was adopted in January 2016, and within which the following policies are of relevance:

### Strategic Policies:

- Policy SP15            Biodiversity and Geodiversity

### Topic Based Policies:

- Policy EN7            Important Natural Features

### *Supplementary Planning Guidance:*

The following SPG is of relevance to this application: -

- [Biodiversity and Geodiversity](#) (May 2018)

## REPORT

The Tree Report (reference 'ARW 1141') submitted in support of this application has provided details on the condition of the individual trees, and the proposed works are recommended in order to mitigate the risk to local residents. The Authority's Arborist has inspected the site, and has advised that the aforementioned report provides all the required information, and is an accurate assessment of the seven trees that have been inspected. Subsequently, the Authority's Arborist has recommended that due to the size, location and condition of the application trees, all the work which has been recommended in the report should be allowed to proceed.

Policy EN7 of the Neath Port Talbot Local Development Plan identifies trees as being local landscape features that are of importance for biodiversity, serving as 'corridors' or 'stepping stones' that connect areas of biodiversity importance and allow movement of species. As part of the planning process our assessment of a proposal is contained purely to the impact on visual and residential amenity, pedestrian and highway safety, and the long-term health of the remaining trees protected by the Tree Preservation Order. Any alternative impacts, such as biodiversity, are not material considerations of the planning process, and therefore do not impact a decision. Notwithstanding this, the Authority's Arborist has also outlined within their response that "*prior to any tree work all the trees should be checked for protected species such as bats and nesting birds. The woodpecker hole in tree number 660 will need to be assessed with a climbing inspection*". The ecological impact of the work and checks for protected species is a legal requirement, and must be considered and undertaken by the contractor. If the application is approved, this information will be included as an informative note in the interest of clarity.

Policy EN7 is of relevance to this application as it goes on to state that many local landscape features may be multifunctional, having important roles as visual / landscape features as well as their biodiversity role, and that such features should be retained and enhanced wherever possible. The application trees themselves are set amongst a group of trees which as a collective form an integral part of the surrounding

area, hence their protected status. Whilst the visual value of the application trees is acknowledged consideration must also be given to their relationship with the adjacent residential properties. The ARW Tree Report identifies physiological and structural condition concerns, which in this instance has deemed the felling of the two oak trees identified as 658 and 660, as unavoidable due to the potential health and safety risk they would pose if required to be retained – which overrides any visual value they may hold. It is also considered that to allow the proposed pruning works to the three Oaks and two Beech would help to improve their physiological and structural condition, which may in turn alleviate any further deterioration which could if remained unmanaged result in future requirement for felling.

Provided the recommendations in BS3998:2010 are followed correctly it will avoid any damage to the adjacent trees. As such a condition will be attached to any given consent requiring all works are undertaken in accordance with BS 3998:2010 Recommendations for Tree Work by a qualified and competent tree surgeon in order to safeguard the long-term health of the remaining trees protected by the Tree Preservation Order. The trees are not adjacent to or overhanging a highways and as such there are no significant concerns in regards to highway and pedestrian safety.

Following the initial consultation response, the Authority's Arborist was contacted via email to query the need for a replacement planting scheme for the proposed felling of the two Oak trees (identified as 658 and 660). The Authority's Arborist explained that in this instance as the application trees form part of a woodland with a large number of remaining trees, they would not request a re-planting condition. Instead, natural regeneration will occur in the openings left by the removed trees. The Authority's Biodiversity Officer agreed that allowing natural regeneration would be sufficient rather than requiring re-planting. In this instance therefore a replacement planting scheme would not be required.

Based upon the Authority's Arborists recommendation and the aforementioned assessment, it is recommended that the works be approved, subject to conditions.

## OTHER MATTERS

As identified earlier in this report, representations were received following the publicity exercise. In response to the issues raised which have not been addressed elsewhere in this report, the following comments are made:

- In response to the request that a plan showing the trees which are to be felled and an arboricultural survey report showing the extent of the woodland that has been surveyed be provided, this was submitted by the applicant as part of the application and as such the neighbour was re-directed to view the supporting information on the Council Website.
- In regards to the request for further information in relation to the working method for felling in vicinity of the residential properties, it is the contractor's responsibility to prevent damage, and tree condition reports are not obliged to provide a method statement for the work. The neighbour was advised of this, and it was also explained that if the application is approved a condition would be attached to any given consent requiring all works to be undertaken in accordance with BS 3998:2010 Recommendations for Tree Work by a qualified and competent tree surgeon, to ensure that the work is carried out to a satisfactory standard.

- In response to the request for information on the management of the remaining trees and invasive species, this does not form part of the current application. The neighbour was therefore advised to contact the land owner for this information.
- In regards to the request for information on the proposals for mitigating impacts to ecology, the neighbour was advised that prior to the start of any work the ecological impact of the work and checks for protected species is a legal requirement and must be considered and undertaken by the contractor.
- In response to the statement that the baseline on the plans used within the application do not correctly show the land ownership for their property, the neighbour was made aware that under planning we do not have any access to or involvement in land ownership or boundaries. As such, they were further advised that as the case officer I would be unable to request that the baseline on the plans used within the application be altered, nor would I be able to add a note to the application relating to land ownership of a neighbouring property.

## CONCLUSION

It is considered that the proposed works would not have an adverse effect on visual and residential amenity, nor would it negatively impact upon the pedestrian and highway safety or endanger the long term health of the remaining trees protected by the Tree Preservation Order. Hence, the proposed works are in accordance with Policies SP15 and EN7 of the Neath Port Talbot Local Development Plan.

## RECOMMENDATION

Subject to the following conditions/reasons, which have been imposed for the reasons stated: -

### Time Limit Conditions

1. The works hereby permitted shall be carried out within 2 years of the date of this consent.

Reason:

To enable the Local Planning Authority to reconsider the appropriateness of the works in the light of possible changed circumstances.

### Regulatory Conditions

2. Notwithstanding the submitted details, the works to the 5x Oak (identified as 658, 659, 660, 661 & 664) and 2x Beech (identified as 662 & 663) covered by Tree Preservation Order T001/A1, shall be limited to the following only;

-658 (Oak) - Fell

-659 (Oak) - Reduce to safe height of 12m (above main fork).

-660 (Oak) - Fell.

-661 (Oak) - Clear understory for re-inspection and sever ivy.

-662 (Beech) - Reduce crown by 4m, and aerial inspection of fork at 8m.

-663 (Beech) - Reduce crown by 4m.

-664 (Oak) - Reduce to 5m pole.

Reason:

In the interest of clarity.

3. All works shall be undertaken in accordance with BS 3998:2010 Recommendations for Tree Work by a qualified and competent tree surgeon.

Reason:

To ensure that the work is carried out to a satisfactory standard, in the interests of good husbandry.