

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

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

<b>APPLICATION NO: T2023/02</b>	<b>DATE: 20.07.2023</b>
<b>PROPOSAL:</b>	Confirm T1 Corsican Pine (Pinus nigra) and T2 Scots Pine (Pinus sylvestris)
<b>LOCATION:</b>	111 Cimla Road, Neath SA11 3UE
<b>APPLICANT:</b>	N/A
<b>TYPE:</b>	Tree Preservation Order Confirmation
<b>WARD:</b>	Neath South

### **TPO REFERENCE**

T2023/02

### **DESCRIPTION**

Request for confirmation of a Tree Preservation Order

### **SITE ADDRESS**

111 Cimla Road, Neath SA11 3UE

### **BACKGROUND INFORMATION**

A provisional Tree Preservation Order was issued for this site on the 16th May 2023. Appropriate notice was served on the owners of the land. The Authority was made aware that the trees were at imminent risk of being felled.

#### **a.Local Plan Policies**

Local Development Plan Policies:  
SP16 Environmental Protection  
SC1 Settlement Limits

#### **b.Other Policies**

Future Wales - the National Plan 2040  
Planning Policy Wales (Edition 11, 2021)  
Technical Advice Note 10: Tree Preservation Orders (1997)

#### **c.Relevant Planning History**

The site is within the settlement development limit in the Local Development Plan but has no planning history.

d.Responses to TPO Consultation

Name &/or Address	Served a copy of TPO (Y/N)?	Date comments received	Acknowledged (Y/N)?	Objection, No objection or Neutral
Tai Tarian, Ty Gwyn, Brunel Way	Y	9.6.23	Y	Neutral
111 Cimla Road	Y	N/A	-	-
113 Cimla Road	Y	13.6.23	Y	Objection
38 Moorland Road	Y	N/A	-	-
40 Moorland Road	Y	12.6.23	Y	Objection
42 Moorland Road	Y	17.5.23	N	No objection (telephone call)
109 Cimla Road	Y	12.6.23	Y	Objection
107 Cimla Road	N	14.6.23	Y	Objection
36 Moorland Road	N	13.6.23	Y	Objection
114 Cimla Road	N	13.6.23	Y	Objection
116 Cimla Road	N	13.6.23	Y	Objection

The issues raised by the objectors can be summarised as follows:

### **1. Safety**

The trees have caused us great stress over the last few years, especially when there's high winds. They are directly behind us and within reach of our property. They are frightening to look at when we have bad weather and surely common sense would prevail that taking these trees down would be the right thing to do before they cause catastrophic damage.

If they fall on the houses this will be life threatening for occupiers. They will bring down electricity and telephone cables if they fall into the road which is a risk to motorists and pedestrians alike.

These trees are in close proximity to 111 and 113 and if they were to fall or branches were to snap off (as happened during lockdown) this could cause significant damage to property and/or life.

In addition to the obvious concern that the very tall trees may come down in adverse worse weather, every year the trees constantly drop pine needles and branches. The pine needles block guttering and drains and this has resulted in damp and flooding in my home. I have to regularly clear the drains and in bad weather find myself so anxious about flooding that I get up during the night to ensure the drains have not become blocked. The branches of various sizes often cause damage to cars parked in neighbouring property and on the road.

Our children play on the driveway and we worry about their safety under the trees with the constant pine cones falling. It was only during lockdown that we had to stop them from playing on the driveway as a big branch overhanging our driveway snapped. It took Tai Tarian 3 weeks to come out and sort it. Our daughter who sleeps in one of our front bedrooms often wakes in the middle of a windy night asking if she can sleep in the back bedroom as she is scared of the movement of the trees.

### **2. Damage to Property**

A few years ago, Tai Tarian had to rebuild the whole of their pine end and re roof 111 on the tree side. Our boundary wall has also been damaged by the trees. I had a structural engineer to have a look at the wall who said that this was damage caused by the trees being so close. I didn't ask the engineer for a written report as this would've been costly and Tai Tarian had agreed in the meantime to take the trees down which made it pointless for myself to waste money on a report.

Photos:



Damage that you see below came from troughs, which due to pine needles, were overflowing penetrating dining room kitchen and hallway wooden floor was ruined skirting's ruined floor damage from water and certain walls needed plastering and we still not finished.

Photos:





### 3. Nuisance

Sap on cars, pine needles in gutters and on driveways.

They drop a terrible amount of sharp needles and pines which pollute our garden and have punctured our pool, as well as caused injury to my children's feet when they have been accidentally stepped on.

The trees block sunlight for many of our neighbours, including us, where we only get sunlight from afternoon onwards, as it blocks the morning sunshine. This often makes us feel down and depressed and affects our mood as a family.

### 4. Size

Although big, they are in between two houses. They can only be seen driving up Cimla hill from the turning to hillside, and coming down from Tesco onwards. We've driven around the Cimla Crescent area and Moorland road behind and they can't be seen from anywhere else apart from between two houses in the crescent.

In response to the objections, both Ward Members have indicated a preference for the trees to be felled in accordance with the wishes of the neighbouring residents. The Ward Members have been advised that the owner of the trees (Tai Tarian) and tenant occupier(s) of No.111 Cimla Road have not objected to the TPO or requested that the trees be felled. Furthermore the Ward Members were advised that there were no legitimate grounds for felling the trees as no arborist or engineering evidence to support allegations of risk of or actual structural defect or damage to property from the trees has been provided by the objectors, despite this being asked for and an extension of the consultation period given in order for such evidence to be submitted.

## **APPRAISAL**

The TPO relates to the following:

**Trees specified individually** (encircled in black on the map)

Reference on Map	Description	Situation*
T1	Corsican Pine (Pinus nigra)	111 Cimla Road, Neath SA11 3UE

T2	Scots Pine ( <i>Pinus sylvestris</i> )	111 Cimla Road, Neath SA11 3UE
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The trees have been surveyed by the Authority's Arboricultural Officer who estimates the trees to be in the region of 90 years old with an estimated lifespan of a further 40 years. The height of the Corsican Pine is 21m and the height of the Scots Pine is 22.5m. There is no evidence of any significant decay, disease or structural defects on either of the trees.

The Authority's Arboricultural Officer has confirmed, that prior to the provisional tree preservation order being issued, a TEMPO – Tree Evaluation Method for Preservation Orders assessment of the trees was undertaken.

The TEMPO assessment is in two parts and is an appropriate way for the Authority to consider the merits of a Tree Preservation Order. The two parts to an assessment are:

1. Amenity Assessment
2. Expediency Assessment

These are considered in turn below:

#### *Amenity Assessment*

- Condition - The trees were assessed as having no significant defects, disease or decay and scored 3 (Fair/Satisfactory Condition).
- Retention Span – Assessed to have a probable life expectancy of over 40 years and scored 4 (Suitable/Very Suitable for a TPO)
- Relative Public Visibility – Assessed as highest score 5 (very large trees with some visibility or prominent large trees). The trees are highly visible and prominent in the public realm from the highway and surrounding area, both from long and short distance.
- Other Factors - Assessed as score 1 with both trees being of good form and structure.

#### *Expediency Assessment*

There is a prospect of trees being felled, with the tree owners (Tai Tarian) having previously acceded to neighbouring residents' request to do so and the Council being notified of the intent to remove both trees. This would represent a foreseeable threat to the trees – Score 3.

#### *Other Considerations*

The trees have been assessed by the Authority's Biodiversity Woodland Officer in accordance with CAVAT – Capital Asset Valuation for Amenity Trees

methodology, and has considered the size of the trees and the extent of their canopy cover and contribution to biodiversity and air quality considerations.

Canopy cover (the total area covered by leaves and branches of trees when viewed from above) for this Lower Super Output Area (sub-ward) area is currently 16%, which is well below the average of 32% for the County Borough. The ward itself has a canopy cover of only 17%, which is well below the average of 32% for the County Borough, and has seen a decrease in 1% from 2011-2019. 1% is considered to be quite a significant loss and can be attributed to the removal of medium to large trees in the area over the last 10-13 years. The overall trend is a decrease in canopy of 2% over the County Borough since 2011. In light of these figures, the retention of medium to large trees in this area would be considered to be a priority.

The ecosystems benefits in relation to trees, including air quality, carbon sequestration, water runoff etc. are all based on the canopy size. The loss of any large trees will have a negative effect on the ability of the area to maintain these systems. Having mature large trees in urban areas are known to also provide significant mental health and well-being benefits.

Habitat wise, Pine trees are of particular importance for our smallest birds such as the goldcrest and firecrest, and as there is a lack of this type of tree in the area the loss of these trees could be significant in this regard. Connectivity between habitats is also a key consideration when considering the potential loss, as these trees will act as stepping stones to other habits in the area in particular for bats and birds.

CAVAT value wise, as a rough estimate based on the TEMPO survey and the CAVAT quick method:

The Corsican pine would be valued at £62,549  
Scots Pine £43,848

Therefore in accordance with CAVAT, which has been widely and successfully used in court to secure financial compensation in relation to trees, there is a potential value over £100k for these trees, which is not an insignificant asset value.

### *Response to Representations*

The Authority's Arboricultural Officer has considered the height of the trees and their distance from each of the addresses that have objected to the provisional order as follows:

<b>Address</b>	<b>Distance to boundary (metres)*</b>	<b>Distance to dwelling (metres)*</b>	<b>Leaf litter</b>	<b>Shading</b>	<b>Roots</b>	<b>Overhanging branches</b>
107 Cimla Road	21.0	21.0	Low	Low	No impact	No

109 Cimla Road	14.5	14.5	Low	Low	No impact	No
113 Cimla Road	1.5	13.0	Moderate	Moderate	Some impact	Yes
114 Cimla Road	33.0	39.5	Low	Low	No impact	No
116 Cimla Road	32.5	38.0	Low	Low	No impact	No
36 Moorland Road	15.0	26.0	Low	No impact	No impact	No
40 Moorland Road	9.0	18.5	Low	No impact	No impact	No

**\*KEY:**

**Distance to boundary** – The distance between the nearest point of the properties boundary and the nearest Pine tree.

**Distance to dwelling** – The distance between the nearest point of the dwelling and the nearest Pine tree.

**Leaf litter** – Taking into consideration the prevailing wind direction and distance of the property from the trees, the level of perceived nuisance from leaf litter.

**Shading** – Taking into consideration the orientation of the summer and winter sunlight and the distance of the property from the trees, the impact of reduced natural light.

**Roots** – The impact of root growth on neighbouring properties.

**Overhanging branches** – The presence of overhanging branches into the neighbouring property.

Despite requests for further evidence from the objectors e.g. an independent arborist or structural engineer's report, no such evidence has been provided. Confirmation of the TPO does not prohibit such evidence being submitted in future to accompany an application to carry out work to the trees, including felling. This supporting information, dependant on the justification for the works/felling is a National Validation requirement for TPO applications, as set by Welsh Government, and set out on the standard application forms. Copies of this have been sent to relevant parties. Tai Tarian, who own the trees, are aware of the objections to the provisional order and have advised that, if the Local Authority make the decision to permanently protect the trees (by confirming the provisional order), Tai Tarian will follow any requirements set out in the TPO, working closely with the Local Authority.

*Conclusion*

The trees have scored highly and are worthy of protection by a TPO. Under the TEMPO guidance the trees passed both the initial amenity test and expediency



test for a TPO. The scoring exceeds 16 points which within the TEMPO guidance indicates a TPO is merited.

Notwithstanding this, the value that these trees provide for the wider area both visually, ecologically as habitat and foraging for multiple species and as set out within the reply from the Authority's Biodiversity Woodland Officer in terms of imbedded Carbon, air quality and water absorption, should deter any unjustified felling of these mature trees from an area that has already seen an overall reduction in tree cover over recent years.

No objection has been received from the owner of the trees or the tenant(s) occupying the property on which they are located (111 Cimla Road). The third party representations have been considered, but the arguments and evidence put forward are not considered sufficient to justify amending the provisional Order or allowing it to lapse.

To clarify, this does not prevent an application being submitted to undertake works to the trees now or in the future, or if justified an application for their felling. It does however, ensure that due regard is taken to the justification for these works and that if necessary mitigation secured by re-planting. This would be in line with the overarching principles set out within Future Wales for protection of the environment, but also in line with the Authority's own aims and objectives with regard to placemaking, and its objectives in terms of carbon and ecological protection and enhancement to maintain ecological resilience and mitigate the effects of the climate emergency in accordance with duties under Section 6 of the Environment Act.

### **RECOMMENDATION**

It is **RECOMMENDED** that the provisional Tree Preservation Order dated 16th May 2023 be confirmed as a Tree Preservation Order.

Given the comments of residents it is further **RECOMMENDED** that the Council write to the tree owners (Tai Tarian) and invite them to make an application for remedial works to mitigate the nuisance element from overhanging branches.