

DATE WRITTEN	29th January 2021
REPORT AUTHOR	Judith Jones
CASE OFFICER	Tom Bramley
COMMITTEE	Planning and Regulatory
COMMITTEE DATE	10th February 2021

Application No.
P/20/0313

Date
15th December 2020

Determining Authority
MTCBC

Proposed Development

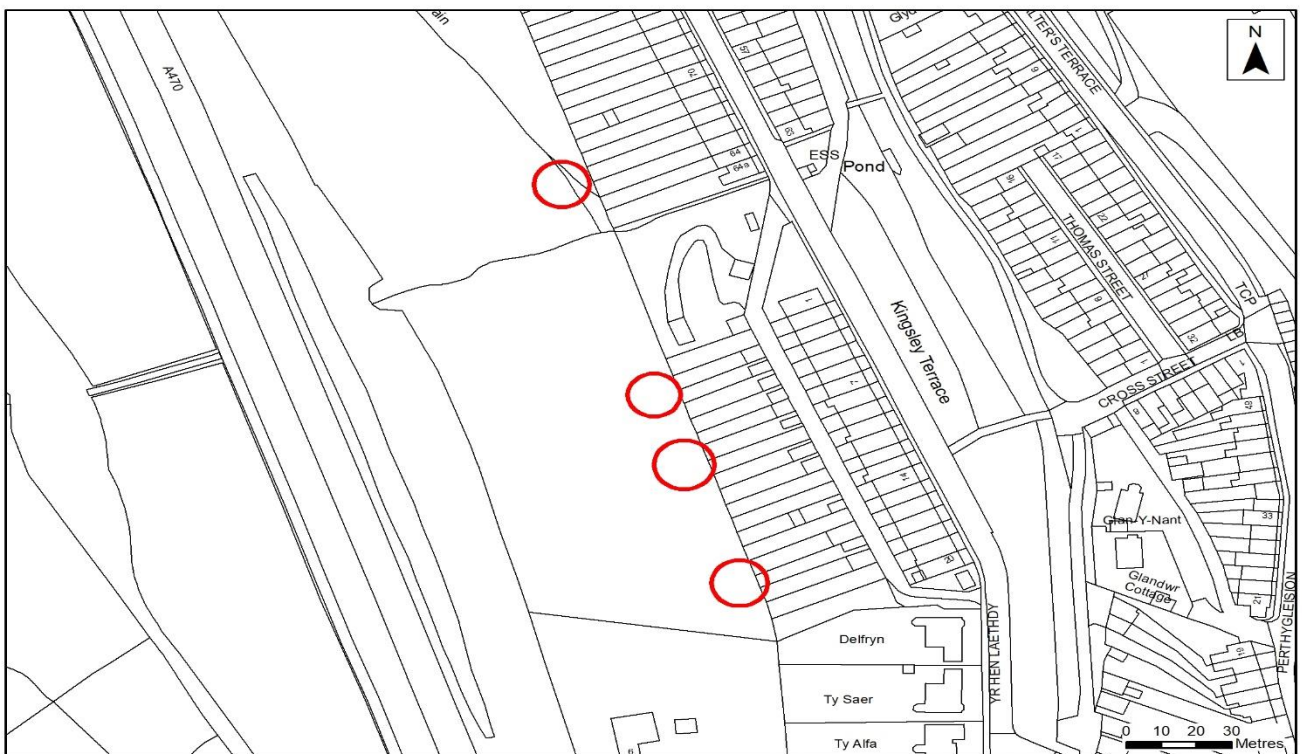
Location

Name & Address of Applicant/Agent

Fell 3 Oak trees (and replace),
reduce height of Alder by 6
metres

Land To The Rear Of
Kingsley Terrace
Aberfan
Merthyr Tydfil

Mr Brett Hughes
6 Woodland Drive
Aberfan
Merthyr Tydfil
CF48 4PX



P/20/0313

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This application is being reported to Committee as the applicant is an officer working in the Planning & Building Control department.

APPLICATION SITE

The trees the subject of this application (3 Oak trees and an Alder) are located in an Ancient Woodland to the rear of Kingsley Terrace and Bryntaf. Two of the Oaks and the Alder are evenly spaced and located in close proximity to the western boundaries of properties in Kingsley Terrace.

The remaining Oak is located adjacent to the rear boundaries of 66 – 68 Bryntaf. The trees are protected by Tree Preservation Order (TPO) No. 8: '*Trees to the rear of Bryntaf & Pleasant View, Aberfan.*' The TPO consists of a woodland, four groups of trees and a single tree.

The woodland is within a Special Landscape Area and Site of Importance of Nature Conservation (West Aberfan) as defined by the Merthyr Tydfil Council Replacement Local Development Plan (2016 – 2031).

PROPOSED DEVELOPMENT

The proposal is to fell the 3 Oak trees (*Quercus* spp.) and reduce the height of the Alder (*Alnus glutinosa*) by 6 metres.

The application has been accompanied by a 'Tree Hazard Risk Assessment', which was prepared by Cardiff Treescaples.

POLICY CONTEXT

National Planning Policies/Guidance

Technical Advice Note 10 – Tree Preservation Orders 1997

Local Planning Policies

Merthyr Tydfil County Borough Council Replacement Local Development Plan (2016 – 2031)

Policy EnW5: Landscape Protection

CONSIDERATIONS

There is clearly a conflict between the presence of the trees and the residents of the properties backing onto them. Lack of historic management of the woodland accounts for some of these problems, which have escalated to the situation that now exists. The Alder, which is exhibiting open cavity and stem decay, is leaning over a private garden. The tree assessment recommends that the Alder is reduced in height by 6m in order to overcome the obvious risk to the neighbouring property. The 3 Oaks have been damaged, in the past, by ring barking which has led to decay, invasion of Honey Fungus and weaknesses within their crowns. Given the poor condition of the trees and subsequent risk to neighbouring properties, the report recommends the Oak trees are felled.

The applicant has confirmed that the trees felled would be replaced. The exact location and species are to be agreed (by condition) if the application is approved. However, the applicant has provided details of the method of planting, the means of protecting the trees (following initial planting) and a longer term maintenance schedule. In the interests of ecology/biodiversity the applicant has also confirmed that (subject to a risk assessment) the Oaks could be felled to a safe standing deadwood height. Furthermore, the lopped limbs would be retained on the woodland floor to create habitat piles.

Given the above, the justifications for felling the Oak trees and reducing the height of the Alder are considered acceptable. The replacement trees (which would form part of the TPO) would maintain the character and appearance of the Special Landscape Area whilst protecting the amenities of neighbouring residents.

RECOMMENDATION: BE APPROVED subject to the following **CONDITIONS:**

1. Details of the species, size and location of three replacement trees shall be submitted to and approved in writing by the local planning authority. The replacement tree planting shall take place during the first planting season following the felling of the trees. The local planning authority shall be notified, in writing, two weeks in advance of the implementation of the approved replacement tree planting.
2. If within a period of five years from the date of planting, the replacement trees, (or any trees planted in replacement for them), are removed, uprooted, destroyed or die, or become in the opinion of the local planning authority, seriously damaged or defective, trees of the same species and size as that originally planted shall be by planted in the same place, unless the local planning authority gives its written approval to any variation.

INFORMATIVES

1. All bats and their roosts are protected against disturbance under UK and European legislation. If works are planned on a building/tree in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. They must be given reasonable time to advise as to whether the works should be carried out and, if so, the method to be used.

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.

2. All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding. Works to any trees, hedgerows and other suitable nesting bird habitat which are to be removed or pruned as part of the proposal should only be carried out outside the bird breeding season. The bird breeding season typically extends between March to August inclusive.

If any vegetation removal or site clearance works are scheduled to commence in the bird nesting season it is advised that the advice from an Ecologist is sought. Any active nests will need to be protected until the young have fledged.