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Denbighshire Boundary
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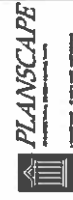


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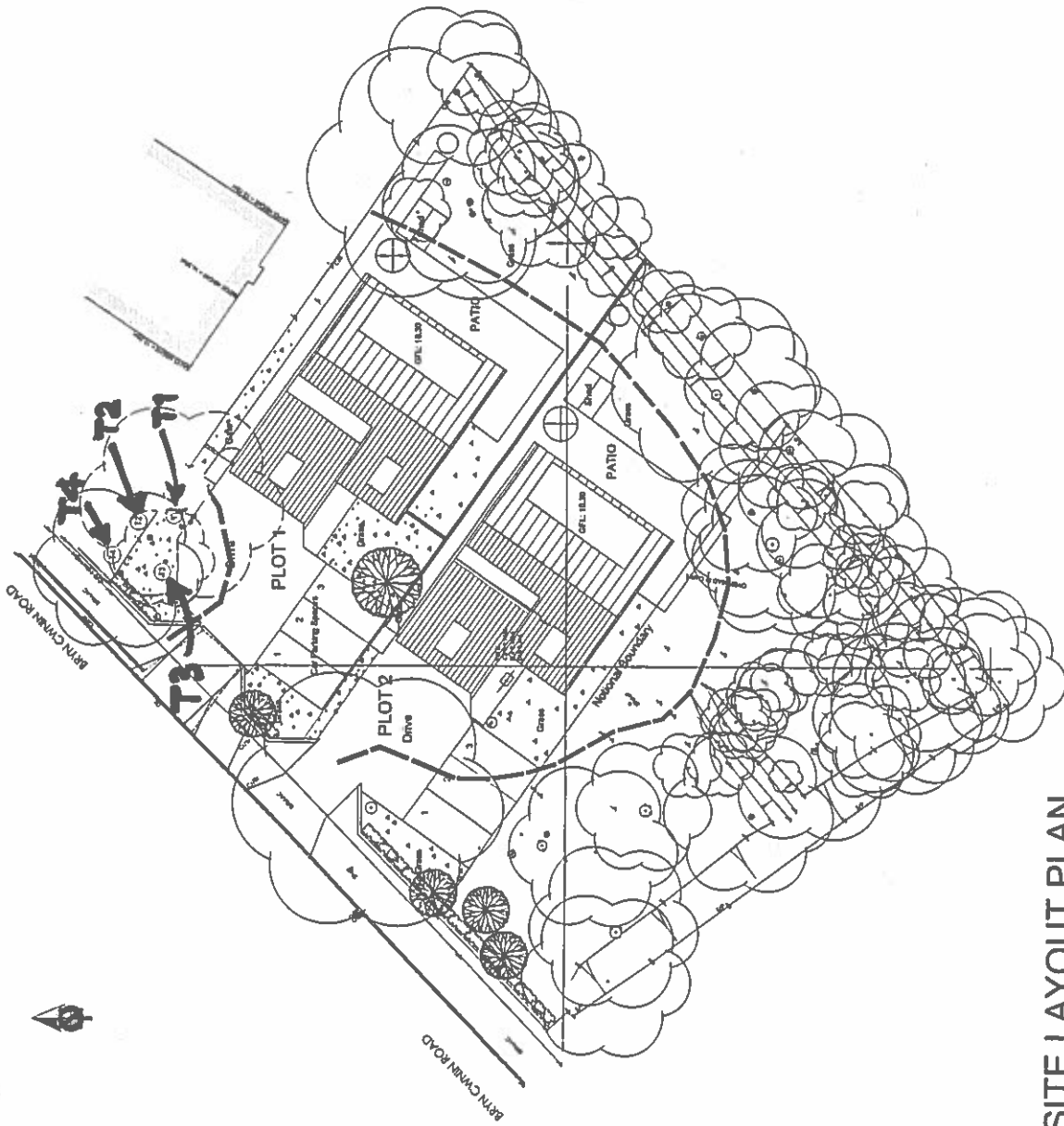
SITE PLAN

45-2-016-102-00-1A

25 FEB 2016



At: Philip Webster
Proposed Work in Trees T1, T2, T3
and T4.
Noted Area
Bryn Cwmn Road, Rhyl.
1:250 22 Feb. 2016
W.1364/2



SITE LAYOUT PLAN

WARD : Rhyl South

WARD MEMBER(S): Cllr Jeanette Chamberlain Jones (c)
Cllr Cheryl Williams (c)

APPLICATION NO: 45/2016/0208/ TP

PROPOSAL: Felling of 3 no. Oak trees T1 T2 & T3 and crown reduction of
1no. Oak tree T4 subject of a Tree Preservation Order

LOCATION: Hafod Wen and Hailwood Bryn Cwnin Road Rhyl

APPLICANT: Mr P Walker

CONSTRAINTS: Tree Preservation Order

PUBLICITY UNDERTAKEN: Site Notice – No
Press Notice – No
Neighbour letters - Yes

CONSULTATION RESPONSES:

RHYL TOWN COUNCIL:

“Object, The Council believe that the trees (T1 – T4) should be retained but crown reduced by 20% by a profession Tree Surgeon – Second Option identified within the Visual Tree Assessment. The County Council are also requested to investigate the damage caused to Tree T1 from recent poor pruning as identified within the Visual Tree Assessment and take appropriate action”.

ARBORICULTURIST CONSULTANT:

Considers that the submitted Arboriculture Report is a fair and reasonable assessment of the situation and implications of the works carried out on site. T1 has poor form, is modest in size and immediately adjacent to the front elevation of the dwelling. T2 and T3 are semi mature specimens with a diameter of only 150mm at breast height. The pruning to the oak T4 will enable this tree to be kept as a specimen tree and will improve the crown's shape.

RESPONSE TO PUBLICITY:

In objection

Representations received from:
Mr Stone, 28 Bryn Cwnin Road.

Summary of planning based representations in objection:

The trees are protected by a TPO and should not be felled.

The Developer is trying to remove the trees by stealth having built too close to them.

EXPIRY DATE OF APPLICATION: 21/04/2016

REASONS FOR DELAY IN DECISION:

- delay in receipt of key consultation response(s)

PLANNING ASSESSMENT:

1. THE PROPOSAL:

1.1 Summary of proposals

1.1.1 Consent is sought for the felling of 3 no. Oak trees and crown reduction of 1 no. Oak tree. The trees are the subject of a tree preservation order.

1.1.2 The applicants supporting statement outlines concerns about the safety and stability of the trees and their general condition.

1.2 Description of site and surroundings

- 1.2.1 The trees subject to the proposal are situated at the front of a new dwelling currently being constructed on Bryn Cwnin Road and comprise of four oaks.
- 1.2.2 It is proposed to fell three of the oaks including T1, a multi-stemmed specimen. The two other oaks to fell also form part of the group to the front. They are semi mature specimens with a diameter of only 150mm at breast height. T4 is proposed to be pruned to improve the trees shape.
- 1.2.3 The trees are prominently sited within the street scene on the eastern side of Bryn Cwnin Road, where two modern dwellings are currently being developed.
- 1.2.4 The western and northern sides of Bryn Cwnin Road (opposite the site) is characterised by uniform residential properties, close to the highway, with small front gardens and ornamental planting.

1.3 Relevant planning constraints/considerations

- 1.3.1 Borough of Rhuddlan (Hafod Wen, Bryn Cwnin Road) Tree Preservation Order No. 1, 1988.

1.4 Relevant planning history

- 1.4.1 There have been various applications for tree works granted on the site, the last was in 2013.

1.5 Developments/changes since the original submission

- 1.5.1 None

1.6 Other relevant background information

- 1.6.1 This application is being reported to the Planning Committee as there is an objection from the Town Council.

2. DETAILS OF PLANNING HISTORY:

- 2.1 45/20012/0668 Demolition of existing dwelling and erection of 2 No. detached dwellings, alterations to existing vehicular access and formation of new vehicular access. Granted November 2012.
- 2.2 There have been various applications for tree works granted on the site, the last was in 2013.

3. RELEVANT POLICIES AND GUIDANCE:

The main planning policies and guidance are considered to be:

- 3.1 Denbighshire Local Development Plan (adopted 4th June 2013):
 - RD1 – Sustainable development and good standard design
 - VOE 1 – Key Areas of Importance
 - SPG 6 – Trees and Development

3.2 Government Policy/Guidance:

- Planning Policy Wales 8, January 2016
- TAN 10 – Tree Preservation Orders (1997)
- WO Circular 64/78

4. MAIN PLANNING CONSIDERATIONS:

In terms of general guidance on matters relevant to the consideration of a planning application, Planning Policy Wales Edition 8, January 2016 (PPW) confirms the requirement that planning applications 'should be determined in accordance with the approved or adopted development plan for the area, unless material considerations indicate otherwise' (Section 3.1.2). PPW advises that material considerations must be relevant to the regulation of the development and use of land in the public interest, and fairly and reasonably relate to the development concerned., and that these can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment (Sections 3.1.3 and 3.1.4).

The following paragraphs in Section 4 of the report therefore refer to the policies of the Denbighshire Local Development Plan, and to the material planning considerations which are considered to be of relevance to the proposal.

4.1 The main land use planning issues in relation to the application are considered to be:

- 4.1.1 Principle
- 4.1.2 Amenity value of the trees
- 4.1.3 Is the proposal justified?

4.2 In relation to the main planning considerations:

4.2.1 Principle

Local Development Plan Policy VOE 1 seeks to protect sites of from development that would adversely affect their biodiversity/landscape value. Policy RD 1 includes criteria which seek to protect the visual amenity of the area.

Planning Policy Wales (Section 5) states that trees, woodlands and hedgerows are of great importance as both wildlife habitats and in terms of their contribution to landscape character and beauty. Trees, woodlands and hedgerows also play a role in tackling climate change by trapping carbon and can provide a sustainable energy source. PPW 8 further advises that Local Planning Authorities should seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality.

Tree Preservation Orders are made on the basis of an assessment of the amenity value of the trees. Therefore, in determining applications for consent for felling or carrying out works to protected trees, current advice to planning authorities is as follows:

- i) to assess the amenity value of the tree or woodland, and the likely impact of the proposal on the amenity of the area, and in the light of their assessment at i) above,
- ii) to consider whether or not the proposal is justified, having regard to the reason put forward in support of it.

A proposal to carry out works on protected trees is therefore considered acceptable in principle subject to consideration of the above tests.

4.2.2 Test i) - Amenity value of the trees:

The trees subject to the proposal are situated at the front of a new dwelling currently being constructed on Bryn Cwnin Road and comprise of four oaks.

It is proposed to fell three of the oaks including T1, a multi-stemmed specimen. This tree has poor form, is modest in size and immediately adjacent to the front elevation of the dwelling.

The two other oaks to fell also form part of the group to the front. They are semi mature specimens with a diameter of only 150mm at breast height. The pruning to the oak T4 will enable this tree to be kept as a specimen tree and will improve the crown's shape.

The trees are prominent within the street scene and clearly afford a degree of 'pleasantness' to the area, and their loss would have some impact on the area. However, the Tree Consultant notes that T1 has poor form and would be better sited elsewhere in the front garden. He suggests T2 and T3 provide minimal amenity value and could be replaced with new planting which would be effective within a few years. Finally, he suggests the pruning to the oak T4 will enable this tree to be kept as a specimen tree and will improve the crown's shape.

In Officers opinion, in respect of the amenity considerations, considered that the

falling should be consented. It is suggested that suitable replacement trees be conditioned to mitigate for the loss of the trees.

4.2.3 Test ii) - Is the proposal justified?

The applicant's case is that the trees are not particularly significant specimens with limited amenity value. Health and safety concerns are also cited for their removal.

To assess the submitted justification the Council has employed its own qualified Arboricultural Consultant. The Consultant considers that the submitted Arboricultural Report is a fair and reasonable assessment of the situation and implications of the works carried out on site.

5. SUMMARY AND CONCLUSIONS:

5.1 With respect to the comments of Rhyl Town Council Officers consider the proposal meets the tests for removal, and conditions can be attached relating to replacement trees. Hence it is the opinion of Officers that the proposal should be granted.

RECOMMENDATION: GRANT- subject to the following conditions:-

1. The work shall be completed within 24 months of the date of consent unless the Local Planning Authority agrees to an extension of this period in writing.
2. All tree pruning shall be carried out in strict accordance with the British Standard BS3998 (2010) Recommendations for Tree Work.
3. Within the first available planting season (November to March inclusive) following the felling or substantial felling of the trees, three replacement trees shall be planted in the front garden of Coed Derw. The replacement trees shall comprise of two Pedunculate Oaks (*Quercus robur*) and one Scots pine (*Pinus sylvestris*). The two oaks shall be root balled or bare root 'heavy standards' (12-14cm in girth) and a minimum height of 3.0m. The Scots pine shall be a containerised specimen supplied in a 30 litre minimum pot size and not less than 120cm in height. The replacement trees shall be planted in a triangular grouping in the front southerly corner of the garden not closer than 3m of the road or side boundaries. The trees shall not be planted within 5m of each other to ensure that they have space to grow. The replacement trees shall be supplied, planted and maintained for 5 years in accordance with BS8545 2014. Any variation to this condition must be agreed in writing with the Local Planning Authority.

The reason(s) for the condition(s) is(are):-

1. To ensure the work is carried out within a reasonable period.
2. To ensure the work is carried out to a satisfactory arboricultural standard that safeguards the amenity afforded by the trees.
3. To provide replacement amenity.

NOTES TO APPLICANT:

None