

APPLICANT: Mrs Alexandra Whiteley Ty Uchaf, Drope Road, Drope, St Georges Super Ely, CF5 6EP

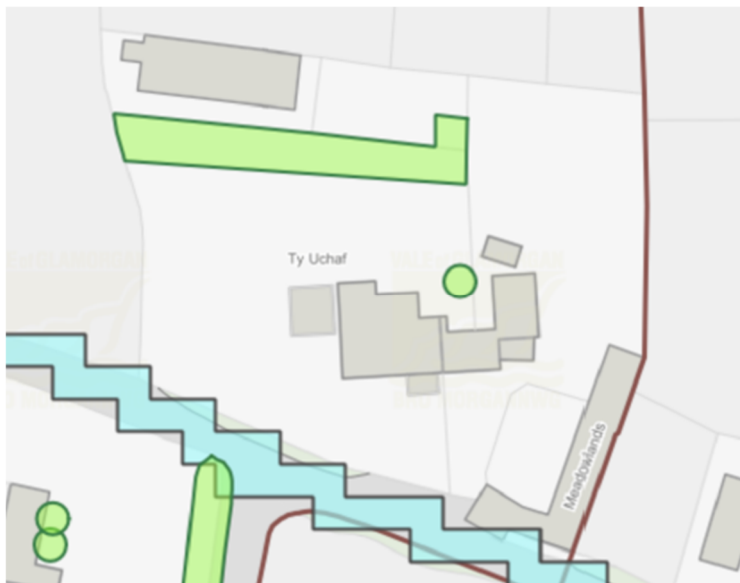
AGENT: Mrs Alexandra Whiteley Ty Uchaf, Drope Road, Drope, St Georges Super Ely, CF5 6EP

Ty Uchaf, Drope Road, Drope, St Georges Super Ely

Work to tree covered by TPO No.09 of 2008: T3 Fell one silver birch adjacent to metal fence at rear boundary of the property

SITE AND CONTEXT

The application relates to a Silver Birch Tree in the rear garden of 'Ty Uchaf'. The site is located within the Drope Conservation Area, as well as a level 2 Mineral Safeguarding Area for Sand Gravel, as well as the Ely Valley & Ridge Slopes Special Landscape Area. As the dwelling is not located within a designated Settlement Boundary, the dwelling is classed as being located in the countryside.



DESCRIPTION OF WORKS

This application seeks consent to remove a Silver Birch Tree covered by TPO 342 - 2008 - 09 - T012.

PLANNING HISTORY

1983/00914/FUL, Address: Ty Uchaf, Drope, St. Georges Super Ely, Cardiff, Proposal: Erection of domestic garage, Decision: Approved, Decision Date: 29/11/1983;

1990/01317/FUL, Address: 'Ty Uchaf', Drope Road, St. Georges, Proposal: Extensions, Decision: Approved, Decision Date: 01/03/1991;

1991/00539/FUL, Address: 'Ty Uchaf', Drope Road, St. Georges-Super-Ely,
Proposal: Second floor extension - bedroom/bathroom, Decision: Approved,
Decision Date: 12/07/1991;

1996/00554/FUL, Address: Ty Uchaf, Drope Road, St. Georges-Super-Ely,
Proposal: Renewal of application no. 91/00539/FUL - Second floor extension,
Decision: Approved, Decision Date: 09/08/1996;

2001/00612/FUL, Address: Ty Uchaf, Drope Road, St. Georges-Super Ely,
Proposal: Renewal of 96/0554/FUL - second floor extension, Decision: Approved,
Decision Date: 27/07/2001;

2002/00871/FUL, Address: Ty Uchaf, Drope Road, St. Georges-super-Ely,
Proposal: Single storey domestic extension, Decision: Approved, ,Decision Date:
09/08/2002;

2021/00740/TPO, Address: Ty Uchaf, Drope Road, St. Georges Super Ely,
Proposal: Work to Trees covered by Tree Preservation Order No. 10, 2008 -
Remove a row of 10 conifers growing on the boundary between our garden and
the neighbouring field. Cut down a silver birch , Decision: Approved, ,Decision
Date: 14/07/2021;

CONSULTATIONS

Due to the type of application, consultations were not statutorily required and were therefore not carried out.

REPRESENTATIONS

Due to the type of application, consultations were not statutorily required and were therefore not carried out.

REPORT

Planning Policies and Guidance

Local Development Plan:

The Vale of Glamorgan Adopted Local Development Plan 2011-2026 forms the local authority level tier of the development plan framework. The LDP was formally adopted by the Council on 28 June 2017, and within which the following policies are of relevance:

Strategic Policies:

POLICY SP1 – Delivering the Strategy
POLICY SP10 – Built and Natural Environment

Managing Development Policies:

POLICY MD2 - Design of New Development
POLICY MD8 - Historic Environment

In addition to the Adopted LDP the following policy, guidance and documentation supports the relevant LDP policies.

Future Wales: The National Plan 2040:

Future Wales – the National Plan 2040 is the national development plan and is of relevance to the determination of this planning application. Future Wales provides a strategic direction for all scales of planning and sets out policies and key issues to be considered in the planning decision making process. The following chapters and policies are of relevance in the assessment of this planning application:

Chapter 3: Setting and achieving our ambitions

- 11 Future Wales' outcomes are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales.

Chapter 4: Strategic and Spatial Choices: Future Wales' Spatial Strategy

- Guiding framework for where large-scale change and nationally important developments will be focussed over the next 20 years.
- Strategy builds on existing strengths and advantages and encourages sustainable and efficient patterns of development.

Chapter 5 – The Regions

- The Vale of Glamorgan falls within the South East region.
- Regional policies provide a framework for national growth, for regional growth, for managing growth and supporting growth.
- In the absence of SDPs, development management process needs to demonstrate how Future Wales' regional policies have been taken into account.

Planning Policy Wales:

National planning policy in the form of Planning Policy Wales (Edition 12, February 2024) (PPW) is of relevance to the determination of this application.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales.

The following chapters and sections are of particular relevance in the assessment of this planning application:

Chapter 2 - People and Places: Achieving Well-being Through Placemaking,

- Maximising well-being and sustainable places through placemaking (key Planning Principles, national sustainable placemaking outcomes, Planning Policy Wales and placemaking

Chapter 3 - Strategic and Spatial Choices

- Good Design Making Better Places

Chapter 6 - Distinctive and Natural Places

- Recognising the Special Characteristics of Places (The Historic Environment, Green Infrastructure, Landscape, Biodiversity and Ecological Networks, Coastal Areas)

Technical Advice Notes:

The Welsh Government has provided additional guidance in the form of Technical Advice Notes. The following are of relevance:

- Technical Advice Note 10 – Tree Preservation Orders (1997)
- Technical Advice Note 12 – Design (2016)
- Technical Advice Note 24 – The Historic Environment (2017)

Welsh National Marine Plan:

National marine planning policy in the form of the Welsh National Marine Plan (2019) (WNMP) is of relevance to the determination of this application. The primary objective of WNMP is to ensure that the planning system contributes towards the delivery of sustainable development and contributes to the Wales well-being goals within the Marine Plan Area for Wales.

Supplementary Planning Guidance:

In addition to the adopted Local Development Plan, the Council has approved Supplementary Planning Guidance (SPG). The following SPG are of relevance:

- Trees, Woodlands, Hedgerows and Development (2018)
- Drope Conservation Area Appraisal and Management Plan

Other relevant evidence or policy guidance:

- Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management
- Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a duty on the Council with respect to any buildings or other land in a conservation area, where *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership. The Council's duty under the above Act has been given due consideration in the preparation of this report.

Well-being of Future Generations (Wales) Act 2015

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.

Issues

One of the key aspects to consider as part of this application will be the amenity value of the tree to determine whether the proposed works would have a detrimental impact the character of the street scene and the amenity of the area. Further weight will be given to the condition and suitability of the trees for its location, to ascertain whether the proposed works are necessary in the interest of public safety and/or amenity.

The tree is not visible from the adopted highway, due to the existing high hedge running along Drope Road. The tree is located in the rear garden of the dwelling. The tree is viewed within a wider group of trees and adds little to the amenity of the area.

The application form states that the silver birch has died, although is still standing. When assessed on site, it was confirmed that the tree was dead and has no canopy in early summer, as detailed in the image below:



Consequently, the Council has no objection to the removal of the Silver Birch tree given its deteriorating health. To conform to Ed.12 of Planning Policy Wales, 3 No. replacement trees will be required by means of condition on a 3:1 basis in order to preserve visual amenity, which should comprise of three replacement trees of native species that are either Silver Birch or Alder. This will be secured by condition.

REASON FOR RECOMMENDATION

Having regard to the Council's duties under the Equality Act 2010 the proposed development does not have any significant implications for, or effect on, persons who share a protected characteristic.

It is considered that the decision complies with the Council's well-being objectives and the sustainable development principle in accordance with the requirements of the Well-being of Future Generations (Wales) Act 2015.

The appropriate marine policy documents have been considered in the determination of this application in accordance with Section 59 of the Marine and Coastal Access Act 2009.

RECOMMENDATION

APPROVE subject to the following condition(s):

1. The work shall be carried out in accordance with accepted rules and practices of good tree surgery to conform to B.S. 3998 - Recommendations for Tree Work.

Reason:

To ensure the work is carried out to an acceptable standard.

2. The work hereby approved shall be carried out by a suitably qualified professional tree surgeon.

Reason:

To ensure the continued health of the tree and therefore, that the visual amenities of the area are protected.

3. The work hereby approved shall be carried out within 12 months of the date of this consent.

Reason:

To ensure the work is completed within a reasonable time limit

4. 3 semi-mature replacement trees (such as Silver Birch or Alder) shall be planted in the rear garden of the property known as 'Ty Uchaf' during the next available planting season (October to March) following felling and shall be properly staked and watered during periods of drought for a period of five years. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason:

To ensure that the visual amenities of the area are protected.

NOTE:

Please note that this consent is specific to the plans and particulars approved as part of the application. Any departure from the approved plans will constitute unauthorised development and may be liable to enforcement action. You (or any subsequent developer) should advise the Council of any actual or proposed variations from the approved plans immediately so that you can be advised how to best resolve the matter.

In addition, any conditions that the Council has imposed on this consent will be listed above and should be read carefully. It is your (or any subsequent developers) responsibility to ensure that the terms of all conditions are met in full at the appropriate time (as outlined in the specific condition).

The commencement of development without firstly meeting in full the terms of any conditions that require the submission of details prior to the commencement of development will constitute unauthorised development. This will necessitate the submission of a further application to retain the unauthorised development and may render you liable to formal enforcement action.

Failure on the part of the developer to observe the requirements of any other conditions could result in the Council pursuing formal enforcement action in the form of a Breach of Condition Notice.