

**APPLICANT:** Mrs Greenslade 22 Maillard's Haven,, Penarth,, CF64 5RF

**AGENT:** Acorn Tree Services, 6, Norman Cottages,, Michaelston-Le-Pit,, Vale of Glamorgan., CF64 4HP

**22, Maillard's Haven, Penarth**

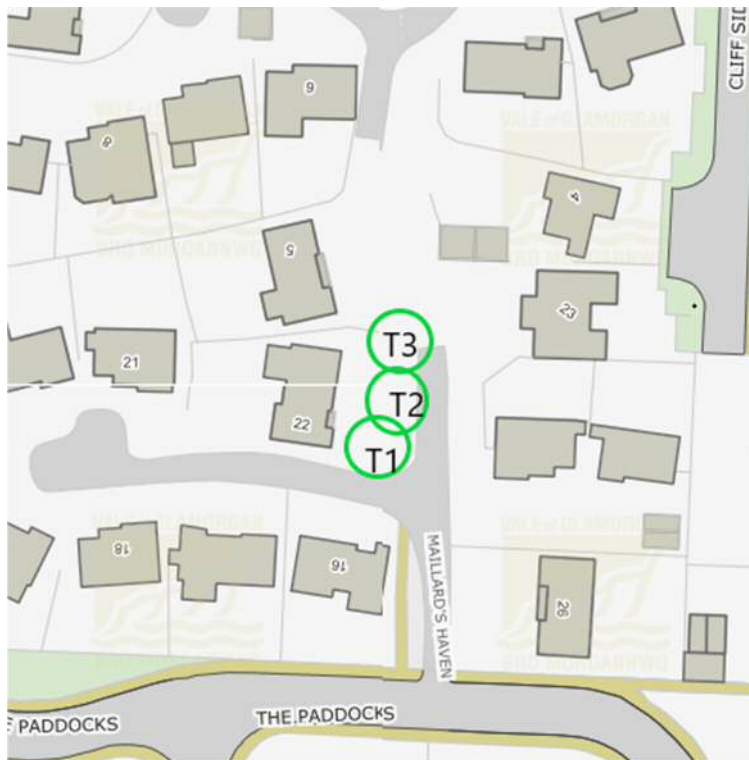
T1,2 & 3 - Lime tree, reduce crowns by 30%

**SITE AND CONTEXT**

The application site relates to 22 Maillard's Haven, a detached dwelling located within the Penarth Settlement Boundary as identified within the Vale of Glamorgan Adopted Local Development Plan 2011 – 2026.

**DESCRIPTION OF WORKS**

The application seeks consent for a 30% crown reduction to 3 Lime trees that are protected under the Tree Preservation Order 1988, Number 1. The location of the trees are shown below:





## PLANNING HISTORY

1984/00138/OUT, Address: Cliffside, between Forrest Road and The Paddocks, Penarth, Proposal: Residential development, Decision: Approved, Decision Date: 31/07/1984;

1984/00889/OUT, Address: Cliffside, between Forrest Road and The Paddocks, Penarth, Proposal: Residential development, Decision: Approved, Decision Date: 20/11/1984;

1986/00882/RES, Address: Plots 1 - 37 inclusive, 'Cliffside', between Forrest Road and The Paddocks, Penarth, Proposal: Demolition of existing house and garages. Proposed 21 detached houses and double garages, 5 no. linked. Detached with single garage, 4 pairs of semi-detached houses, Decision: Approved, Decision Date: 23/12/1986;

1987/00649/FUL, Address: Cliffside, Forrest Road, Penarth, Proposal: Residential development for the erection of 26 residential units, Decision: Approved, Decision Date: 28/07/1987;

1988/01136/FUL, Address: Plot 14, Maillards Haven, Penarth Now No. 21, Maillards Haven, Proposal: Playroom in garage with en suite bedroom over, Decision: Approved, Decision Date: 25/10/1988;

1993/00580/FUL, Address: 22, Maillards Haven, Penarth, Proposal: Extension to existing house, Decision: Approved, Decision Date: 30/07/1993;

1999/01092/TPO, Address: 22, Maillards Haven, Penarth, Proposal: Fell one Cupressus Macrocarpa and remove dead and diseased wood, overhanging branches and light crown thin of 3 No. Cupressus Macrocarpa, Decision: Approved, Decision Date: 02/11/1999;

2002/00780/FUL, Address: 22, Maillards Haven, Penarth, Proposal: Alterations to ground floor, second storey extension and rear single storey extension, Decision: Approved, Decision Date: 26/07/2002;

2008/00297/TPO, Address: 22, Maillards Haven, Penarth, Proposal: Prune 3 Lime trees removing dead wood/branches, Decision: Approved, Decision Date: 28/03/2008;

2019/00856/TPO, Address: 5, Maillards Haven, Penarth, Proposal: Work to trees covered by TPO No. 1 of 1988: Crown reduction of the 3 largest lime trees, identified as T1, T2 and T4 on the sketch., Decision: Approved, Decision Date: 25/09/2019;

2019/01040/FUL, Address: 22, Maillards Haven, Penarth, Proposal: Front door moved forward to outside line of house. Glass panels either side and glass panel on side angle pointed roof over door and panels to tie in to existing bottom roof, Decision: Approved, Decision Date: 06/11/2019

2021/01120/LAW, Address: 22, Maillards Haven, Penarth, Proposal: Extending the kitchen to link in with existing single storey room, Decision: Approved, Decision Date: 16/11/2021;

### CONSULTATIONS

Due to the type of application submitted, neighbour consultation is not statutorily required and therefore not carried out.

### REPRESENTATIONS

Due to the type of application submitted, neighbour consultation is not statutorily required and therefore not carried out.

### REPORT

#### Planning Policies and Guidance

##### **Local Development Plan:**

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 MD5 - Development within Settlement Boundaries

POLICY MD8 - Historic Environment

POLICY MD9 - Promoting Biodiversity

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)

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

### **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:

- Biodiversity and Development (2018)
- Trees, Woodlands, Hedgerows and Development (2018)

### **Other relevant evidence or policy guidance:**

Welsh Government Circular 016/2014: The Use of Planning Conditions for Development Management

### **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**

The primary issues to consider when determining this application are the health and condition of the tree as well as considering the visual impacts and the necessity of the works.

The 3 trees are all highly visible from Maillard's Haven and are prominent features within the streetscape. There is however limited visibility of these trees from The Paddocks. Overall the trees appear to be healthy with no current signs of decay or disease. Maillard's Haven has a number of large Lime trees and the trees in question contribute to the character of the street scene and the Conservation Area.

The trees are mature specimens of good visual health. It is evident on the site visit that other TPO Lime trees within the group have had crown reductions. It is considered that the proposed crown reduction by 30% would improve the appearance of the tree and ensure its long-term preservation, given the scale of the trees. Therefore, due to the accepted need for ongoing maintenance of this group of Lime trees noting their location, the proposed works to these trees is deemed to be acceptable.

A condition would be attached limiting the works to a 30% reduction to the crown in order to protect the appearance and long-term viability of the trees.

#### 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. The work hereby approved by this consent shall consist of a crown reduction not exceeding 30%.

Reason:

To ensure 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.**