

2024/00536/TCA

Received on 10 June 2024

APPLICANT: Mr Ian Pearson Eagle Cottage, Eagle Lane, Cowbridge, CF71 7AL
AGENT: Mr Robert Haines Gwarycoed, Pantypwllau, Coity, Bridgend, CF35 6BP

Eagle Cottage, Eagle Lane, Cowbridge

Work to Trees in a Conservation Area: T1- Sycamore Crimson King - Reduce by 30% to old pollard points T2- Willow- remove

SITE AND CONTEXT

The application relates to Eagle Cottage, a dwelling located within the Cowbridge Conservation Area and Settlement Boundary as identified within the Vale of Glamorgan Adopted Local Development Plan 2011 – 2026.

DESCRIPTION OF WORKS

The application seeks to consent for a crown reduction to T1 – a Sycamore Tree and the removal of T2 – a Willow tree.



Photograph of T1 –

Sycamore Tree



Photograph of T2 – A Willow

Tree

PLANNING HISTORY

1980/00276/FUL, Address: Buildings west of Woodstock Mews, North Road, Cowbridge, Proposal: Conversion of existing building into a two bedroom cottage, Decision: Approved, Decision Date: 13/05/1980;

1981/01932/FUL, Address: Old storage and workshop buildings west of Woodstock Mews, North Road, Cowbridge, Proposal: Conversion of existing building into a two bedroom cottage, Decision: Approved, Decision Date: 22/12/1981;

2013/00766/FUL, Address: Eagle Cottage, Eagle Lane, Cowbridge, Proposal: Raise height of lower roof to create bedrooms, Decision: Approved, Decision Date: 26/09/2013;

2024/00450/TCA, Address: Eagle Cottage, Eagle Lane, Cowbridge, Proposal: Work to tree in Cowbridge Conservation Area: Removal of overgrown, out of control Conifer Tree, Decision: Approved, Decision Date: 24/05/2024;

CONSULTATIONS

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

REPRESENTATIONS

Due to the type of application, consultations are not statutorily required and 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 MD1 - Location of New Development

POLICY MD2 - Design of New Development

POLICY MD5 - Development within Settlement Boundaries

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:

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 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 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. 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:

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

The key issues to consider include the health and condition of the trees as well as their contribution to the character and visual amenity of the Cowbridge Conservation Area.

The trees are located within the rear garden of the application site.

The Sycamore tree is visible from the adjacent lane. The tree is fairly large in and is beginning to outgrow its context. The proposed works are considered to be necessary to ensure the size and shape of the tree is maintained within this setting. It is not considered the proposed works would have an adverse harm on the Conservation Area.

The Willow tree is visible from the adjacent lane and is also is fairly large in size although smaller than the sycamore, A TEMPO assessment has been conducted to assess the suitability of the tree for a Tree Preservation Order and the result was Do Not Apply TPO. Therefore it is not considered the proposed removal of the willow tree would have an adverse impact on the Conservation Area or unacceptably impact on the amenity of the area.

Overall, the proposed works are considered acceptable and there will be limited impact to the character of the Conservation Area and the Council does not object to the proposed works.

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

<p><u>Report vetted by:</u></p> <p>Team Leader:</p> <p><i>S. Butler</i></p> <p><u>25/06/2024</u></p>	<p><u>Decision approved by:</u></p> <p><i>[Signature]</i></p> <p>27/06/24</p>
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Order in respect of the trees.

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Preservation

NOTE:

- 1. I should be grateful if you would consider replacing the tree(s) in order to continue the benefits which trees make to the setting and amenities of the area in general.**
- 2. The work hereby approved shall be carried out within 24 months of the date of this consent.**

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.