

REFERENCE: T/21/77/TPO

APPLICANT: Mrs G Kelly, 10 Caer Newydd, Brackla, Bridgend CF31 2JZ

LOCATION: 10 Caer Newydd, Brackla, Bridgend CF31 2JZ

PROPOSAL: Pollard 3 Hornbeam trees in rear garden

RECEIVED: 4 November 2021

SITE INSPECTED: 3 February 2022

APPLICATION/SITE DESCRIPTION

The application seeks consent to undertake the pollarding of 3 Hornbeam trees at 10 Caer Newydd, Brackla, Bridgend. The trees are situated in the rear garden and are protected under Ogwr Borough Council Tree Preservation Order No.08 (1988).

Fig. 1 – Site Location



Fig. 2 – Tree Preservation Order



The application originally sought consent to reduce the three Hornbeam trees to 2 metre high stumps. The agent was asked to provide a Tree Report justifying the works. The application was subsequently amended to incorporate the lesser works of pollarding the three trees.

RELEVANT HISTORY

None.

PUBLICITY

Neighbours have been notified of the receipt of the application.

The period allowed for response to the consultations for the superseded works expired on 24 December 2021. As the application description was subsequently amended to pollarding, a reconsultation exercise was undertaken and the period allowed for responses to consultations expired on 2 February 2022.

CONSULTATION RESPONSES

Councillor J C Spanswick – *I am surprised at the poor quality of the location plan. Has this really been accepted?*

I would like further clarity as to the need to reduce the height of the trees to 2 metres above ground and the benefit this will bring to the trees.

Due to the reasons given for undertaking the works (i.e. to improve light to the garden) and some confusion with the plans submitted, I feel that this matter needs to be reported to the Development Control committee and not dealt with under officer delegated powers.

While I appreciate the applicant has modified the application from pollards to 2m, the plan provided is not great and it appears they are being pollards to different heights. The sole reason appears to be just to have more light in the garden and prior to changing my position on this I respectfully

suggest a formal response is received from an officer in the Countryside section at BCBC who is experienced to give a view from an arboriculture perspective.

REPRESENTATIONS RECEIVED

None.

COMMENTS ON REPRESENTATIONS RECEIVED

With regard to Councillor Spanswick's concerns, the agent initially submitted the address incorrectly on the original documentation for the application. The agent was asked to clarify the matter and subsequently confirmed the address was 10 Caer Newydd, Brackla. An amended location plan was also received which is deemed to be acceptable.

The application originally sought consent to reduce the three Hornbeam trees to 2 metre high stumps. The agent was asked to provide a Tree Report justifying the works and was queried how the reduction would benefit the trees. Subsequently, the agent amended the application to incorporate the lesser works of pollarding the three trees. A reconsultation exercise was undertaken incorporating the amended description of works.

The trees are proposed to be pollarded to different heights due to the variation in the overall height of the three trees. At the request of Councillor Spanswick, the Countryside and Tourism Section was consulted on the matter.

Whilst there is no 'right to light' from a Planning perspective, an individual's usable amenity space is a consideration in the determination of tree applications. The issue of justification for the works will be dealt with in the Appraisal Section.

APPRAISAL

The application is referred to Committee at the request of Councillor Spanswick.

The application seeks consent to undertake the pollarding of 3 Hornbeam trees at 10 Caer Newydd, Brackla, Bridgend.

Fig. 3 - Agent's photograph showing extent of pollarding marked red



The agent has advised that the works are required in order to allow more light into the garden. It is important to note that the trees will not be felled.

A site visit was undertaken on 3 February 2022. The 3 Hornbeam trees were situated in the rear garden and appeared to form a small part of a line of protected trees running between Caer Newydd and Honeysuckle Way, Brackla.

It was noted that in addition to the Hornbeam trees, two larger, mature trees and one semi-mature tree were also present in the garden forming part of the same line. The Hornbeam trees were in very close proximity to each other and appeared to have a heavy lean towards the applicant's garden with the majority of branches growing over the garden area. On inspection, it appeared the trees had previously been pollarded a number of years ago.

Fig. 4 - 3 Hornbeam trees far right



The trees could be partially viewed from Caer Newydd in a small gap between the properties. Notwithstanding this, the large strip of woodland behind the trees between Honeysuckle Way and Heol Simonston appeared to be more visible from this vantage point forming a more dominant background. Having regard to this, the trees were not considered to be overly visible in the street scene from Caer Newydd.

Fig. 5 - View of the trees from Caer Newydd between a gap in the properties



The trees could be viewed from few vantage points along Honeysuckle Way and in this respect, were not considered to be overly dominant within the street scene. The Hornbeam trees formed part of a larger line of protected trees with more dominant species present. The trees were also set back from the road and could only be fully viewed from the highway next to 32 Honeysuckle Way.

Fig. 6 - View from Honeysuckle Way – Hornbeam trees far right



In considering an application, the Local Planning Authority should assess the impact of the proposal on the amenity of the area and whether the proposal is justified having regard to the reasons and additional information put forward in support of it.

In general terms, the higher the amenity value of the tree or woodland and the greater any negative impact of proposed works on amenity, the stronger the reasons needed before consent is granted however, if the amenity value is lower and the impact is likely to be negligible, it may be appropriate to grant consent even if the Authority believes there is no particular arboricultural need for the work.

In this case, the works to the trees (which have been undertaken previously) are likely to have a negligible impact on the amenity of the area and as such the pollarding of the trees to the same level as previously undertaken to allow for additional light into the garden to make it a usable private amenity space is considered to be justified and permission can be granted. It is also considered that reducing the weight of the trees will assist in their health and prolong their existence.

It is considered that the proposed works will not adversely impact on the public amenity value of the area and can be justified in the interests of good arboricultural practice.

CONCLUSION

This application is recommended for approval because the development complies with Council policy and guidelines.

The tree works are considered to be justified in the interests of safety and good arboricultural practice and would not result in any unreasonable loss of public amenity as the trees will not be felled/removed.

RECOMMENDATION

(R50) That permission be GRANTED.

*** THE FOLLOWING ARE ADVISORY NOTES NOT CONDITIONS ***

- a. This application is recommended for approval because the development complies with Council policy and guidelines. The tree works are considered justified in the interests of safety and good arboricultural practice and would not result in any unreasonable loss of public amenity.
- b. All works shall be carried out in accordance with good arboricultural practice.
- c. The applicant is advised to contact the Authority's Ecology/Biodiversity Team on (01656) 643160/643196 if bats are encountered. All bats are protected by law, and where there is a likelihood that a bat roost may be present a survey should be carried out and evidence of bat occupation or their absence should be established. It is essential that before any work take place there should be a full investigation for bats by an appropriately qualified and licensed person to determine the site's significance. Suitably qualified ecological consultants can be found by in the first instance telephoning the National Resources Wales (0300) 0653000.
- d. The applicant is advised that all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended), whilst they are actively nesting or roosting. Protection should be given to all nesting birds during any works and to proceed with caution, especially during the bird nesting season (early March to late July). Section 1 of the Wildlife and Countryside Act 1981 (as amended) makes it an offence to kill, injure or take any wild bird, and to intentionally take, damage or destroy the nest of any wild bird while that nest is in use or being built. It is also an offence to take or destroy any wild bird eggs.

- e. The applicant is advised that there are other protected trees within the site which are not subject of this application. These trees should remain protected at all times.
- f. The Arboriculturalist/Tree Surgeon is reminded that it is their responsibility to ensure the balance, stability and structural integrity of the trees is not compromised as a result of these works.

**JANINE NIGHTINGALE
CORPORATE DIRECTOR COMMUNITIES**

Background Papers

None