

## Planning, Taxi Licensing and Rights of Way Committee Report

**Application Number:** 19/1386/TRE

**Grid Ref:** E: 305918  
N: 260702

**Community Council:** Llandrindod Wells  
Community

**Valid Date:** 03.09.2019

**Applicant:** Powys County Council

**Location:** Temple Avenue & Alexandra Terrace, Llandrindod Wells, Powys, LD1 5HW.

**Proposal:** Works to trees in a conservation area

**Application Type:** Works to trees in Conservation Area

### The reason for Committee determination

The applicant is Powys County Council

### Consultee Responses

#### Consultee

#### Received

Community Council

18th Sep 2019

The above application was placed before my Council at its meeting held on 17th September 2019.

No objections were made.

### Public Responses

No public consultation is required

### Planning History

App Ref	Description	Decision	Date
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Not applicable

### Principal Planning Constraints

## Llandrindod Wells Conservation Area

### Principal Planning Policies

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 10)	2010	National Policy
TAN 10	Tree Preservation Orders	1997	National Policy
SP7	Safeguarding of Strategic Resources and Assets	2018	Local Development Plan 2011-2026
DM2	The Natural Environment	2018	Local Development Plan 2011-2026
DM13	Design and Resources	2018	Local Development Plan 2011-2026

### Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh Language)

Wellbeing of Future Generations (Wales) Act 2015

### Officer Appraisal

#### Site Location and Description

The two trees that are the subject of this application are both located in urban residential streets in the southern half of Llandrindod Wells.

Tree 3 is a Lime tree and is situated on Temple Avenue approximately 12 metres up from the junction with Temple Street on the right hand, northern, side of the road. The tree grows out of the road surface immediately adjacent to the kerb and has no protection to it and is tarmacked right up to the trunk. Tree 3 lies within the Llandrindod Wells Conservation Area.

Tree 8 is also a Lime tree and is situated on Alexandra Terrace approximately 8 metres east of the junction with Alexandra Road, and approximately 38 metres west of the

junction with Temple Drive and Temple Street. This tree also grows out of the road surface immediately adjacent to the kerb and has no protection to it and is tarmacked right up to the trunk. Tree 8 lies on the boundary of the Llandrindod Wells Conservation Area.

### Assessment of Tree Condition

The application for works to the trees is being made by Powys County Council following a Tree Survey, carried out by a qualified Arboriculturalist, of a number of street trees in Llandrindod Wells that was carried out in December 2018.

The survey found that Tree 3 remains in good condition with no trace of any ground heave. Previous pruning has seen significant growth. The report concludes that Tree 3 should be re-pollarded within 2 years and then re-surveyed.

Tree 8 however, was found to be failing. The survey specifies that it is in poor condition, displays epicormic growth throughout the stem, has wounds from having been worked on previously using climbing spikes, and further bulges and wounds are evident at various heights on the south side. The report concludes that Tree 8 should be felled and the stump ground out.

### Principle of Development

TAN 10 sets out the general requirements applied to all proposals relating to works to trees within a Conservation Area and trees with Tree Preservation Orders (TPO's) placed upon them. Trees, groups of trees and woodlands of amenity value that make a particular contribution to the landscape or that are noted for their beauty or local rarity will be protected. Proposals for development that unacceptably adversely affect trees that are the subject of a TPO or within a Conservation Area will be refused. Applications to fell or carry out works on trees which are the subject of a TPO or within a Conservation Area will be approved if the work is necessary for public safety or to secure the future of the trees themselves by appropriate management measures.

The Arboriculturalist describes the condition of the two trees and identifies that Tree 3 requires pollarding in order to control its size and Tree 8, due to its poor condition, presents a risk to both pedestrians and motorists and private property and is therefore required to be felled completely.

It is not considered that either tree is of a high amenity value within the landscape being located to the edge of the Conservation Area and being of poor shape and form. Upon undertaking a site visit it was clear that tree 8 is in poor condition and presents a Health and Safety issue.

Whilst it is noted that the application proposed to re-plant Tree 8, consideration has been given to its current location within a highway, surrounded by tarmac with damage previously caused by the parking of vehicles. On this basis it is therefore considered

that the location is not considered appropriate and therefore the planting of a new tree would not be required in this instance only.

In light of the above, it is therefore considered that the trees would not be worthy of a Tree Preservation Order and the proposed works would not impact on the character and appearance of the Conservation Area. It is therefore considered that the proposed works would be acceptable and comply with TAN 10.

### **RECOMMENDATION - Approve**

Upon consideration of the notification, it is recommended that the proposed works shall be allowed to go ahead as specified below:

- Removal of Tree 8 as identified
- Pollarding of Tree 3 as identified

The works shall be carried out within 2 years from the date of the application.

### **Informative Notes**

#### PCC - Ecology

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

Birds - Wildlife and Countryside Act 1981 (as amended)

The site of the proposed tree works is considered to have potential to support nesting birds during the breeding season. All nesting birds, their nests, eggs and young are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- intentionally kill, injure or take any wild bird
- intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- intentionally take or destroy the egg of any wild bird
- intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

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