

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/1216/TRE
Grid Ref: E: 310714
N: 291466
Community Council: Newtown And Llanllwchaiarn Community
Valid Date: 05.08.2019

Applicant: Mr Gary Mitchell

Location: The Park, Park Street, Newtown, Powys,

Proposal: Works to 26 trees to include; removing of deadwood from trees near to the council office, reducing of the size of trees alongside Park Street

Application Type: Works to trees in Conservation Area

The reason for Committee determination

The application site is land within the ownership of Powys County Council. As such, in accordance with the Planning Protocol, the application is required to be determined by Members of the Planning, Taxi Licensing and Rights of Way Committee.

Consultee Responses

Consultee	Received
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Community Council

No comments received at the time of writing this report.

Representations

In accordance with the Development Management Procedure (Wales) Order 2012 (as amended), there is no requirement for the Local Planning Authority to publicise the application. As such, there are no third party representations relevant to this application.

Planning History

No relevant planning history

Principal Planning Constraints

Newtown Conservation Area
Scheduled Ancient Monument

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN10	Tree Preservation Orders		National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM3	Public Open Space		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)		Local Development Plan 2011-2026
SPGLAN	Landscape SPG		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

Planning (Listed Building and Conservation Areas) Act 1990

Officer Appraisal

Site Location and Description

The trees subject to this notification are located within Newtown Conservation Area, adjacent to Park Street and Back Lane and within close proximity of existing residential and commercial properties. The site is situated adjacent to a Scheduled Ancient Monument.

This notification seeks work to the following trees:

T1 – T12 – Oak trees – Dead wood removal and removal of branches.

T13 – Beech tree – Dead crown to be removed.

T14 – T18 – Lime tree – Crown rising.

T19 – T26 – Mix of Oak/Chestnut/Pine – Prune back branches, remove dead crown of chestnut tree.

This notification has been submitted because the trees are located within the Newtown Conservation Area. In considering the proposed works, the Local Planning Authority has two options, namely;

- Approve the proposed works or;
- Make a Tree Preservation Order (TPO) within 6 weeks of the notification.

Planning authorities are able to make TPOs in the interests of amenity. In considering whether to impose a TPO, Members are advised that relevant guidance encourages the decision maker to consider visibility, individual impact together with the wider impact. Consideration of the above is duly given below;

Visibility – the trees are visible by members of the public visiting the grounds and travelling along Park Street and Back Lane, but also by neighbouring residents and visitors to the town. The proposed works seek to maintain the health of the identified trees and therefore Officers are satisfied that the proposal will not compromise the contribution made or character and appearance of the surrounding area.

Individual impact – the fact that a tree is publicly visible is not itself considered to be sufficient to warrant a TPO. The trees are in relatively good shape whilst the proposed works will safeguard their future health.

Wider impact – the trees border Park Street and Back Lane and are located within the open space adjacent to The Park Offices. Officers consider that the trees positively contribute to the character of the Conservation Area and will continue to do so, supported by the proposed maintenance works.

Expediency – Given that the proposed works to 26 trees is proposed for health and safety reasons, it is not considered that the trees are at threat of being felled.

RECOMMENDATION

In summary, the proposed works are considered necessary in the interests of health and safety. On the basis that the trees will continue to contribute to the character and

appearance of the area, it is not considered appropriate to make a Tree Preservation Order.

In light of the above, the works specified to trees T1 to T26 identified on the plan accompanying the notification are recommended for approval. This recommendation is made on the basis that the works shall be carried out within 2 years of the valid date of the notification (namely 04/08/2021).

Informative

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017.

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o 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:

- o 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 2017 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.