

Report of the Head of Planning and City Regeneration

To Planning Committee

07 August 2018

Provisional Tree Preservation Order TPO 646

Land at: Llwyn Teg, Heol Iscoed, Heol Islwyn, Gelli Deg & Gelli Rhedyn (2018)

To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 646: Land at: Llwyn Teg, Heol Iscoed, Heol Islwyn, Gelli Deg & Gelli Rhedyn. (2018).

Recommendation:

That the Tree Preservation Order: Land at: Llwyn Teg, Heol Iscoed, Heol Islwyn, Gelli Deg & Gelli Rhedyn, be confirmed with the omission of trees T5 and T16.

For Decision

1. Introduction

- 1.1 The provisional Order was served on 5th February 2018.
- 1.2 The order was made following several reports of a large oak tree being felled on the boundary with Carmarthen Road.
- 1.3 Trees retained in the development as well as those planted as part of the approved landscaping scheme are protected by this order as they all contribute to the local amenity.

2. Objections and Representations

- 2.1 Three letters expressing objections have been received within the minimum required consultation period. No letters of support have been received.
- 2.2 In addition to the objections two representations were received to clarify tree positions and numbers.

2.3 The objections received are summarised below:

1. 15 Heol Iscoed:

- The Occupier objects to the adjacent oak tree (T1) being protected as it has previously dropped a branch into their garden. For this reason, they consider it a danger to their children.

2. 56 Gelli Deg:

- The Occupier objects to the two lime trees adjacent to his garage (T15 and T16) from being protected as 'they have potential to cause structural damage'.
- They do not see that any remaining trees included on the TPO are at risk.
- They also state that the trees do not 'significantly benefit' the local amenity.

3. 34 Gelli Rhedyn:

- The Occupier objects to the tree preservation order as the trees are blocking light to their garden and they have problems with falling leaves.

2.4 The two representations are summarised below:

1. 26 Heol Iscoed: There is not an oak tree in the garden of 26 Heol Iscoed, labelled on the plan as T5.
2. 39 Llwyn Teg: There are seven trees in their front garden and not five as stated on the plan in group G6.

3 Appraisal

3.1 Letters have been sent to the objectors to address their objections and explain the TPO more fully. The objections were not withdrawn following receipt of this additional correspondence.

Objections

3.2 15 Heol Iscoed. Any work that is required to mitigate an imminent risk can be done under exemption i.e. no application to carry out the work is required. This was the case on the 6th of July 2018, when the landowners carried out work to remove a snapped branch.

3.3 Any other work can be applied for, free of charge. The TPO has not increased the risk the tree poses to the adjacent residents and will not prevent work required for safety reasons.

3.4 56 Gelli Deg. The trees were planted by the developers as part of the approved landscaping scheme. This scheme would have taken into account the proximity of structures, soil type and depth of foundations as detailed in the National House Building Council guidance notes (NHBC 4.2).

3.5 In addition to the design of the scheme, if the trees start to cause damage an application to remove them is likely to be successful.

- 3.6 Confirmation of the TPO would give an element of control over the removal of trees to protect the local amenity. Several trees and tree groups remain on the site as well as landscape planting; removal of these trees would harm the local amenity. The Occupier of 56 Gelli Deg objects to the two trees planted as part of the approved scheme being included in the order as they may cause a problem in the future; removal of trees without good reason is why the TPO was served. No application to remove these trees has been received from the objector.
- 3.7 The two lime trees as stated were planted as part of the approved landscape scheme. The reason for the landscape scheme was to contribute to the local amenity, their contribution will increase as they increase in size. However, it is noted that tree T16 is in poor condition and does not merit protection.
- 3.8 34 Gelli Rhedyn. This address is a corner plot that has trees on two sides of the garden. The trees have previously been cut back leaving very little overhang of branches into the garden. The light levels within the garden could not be improved significantly without the removal of the trees; this would require consent from the landowner.
- 3.9 The trees were retained within the development as they contribute significantly to the local amenity. There is no right to light although reasonable pruning is likely to be approved if it does not significantly affect the amenity the trees provide.
- 3.10 The Objector has made a tree works application; however, this was not approved due to the harmful nature of the proposed work. Below is the photograph used in the application to illustrate the proposed pruning.



Photograph 1: Proposed pruning from refused application 2018/1002/TPO.

Representations

- 3.11 26 Heol Iscoed. Tree T5 was misplaced on the original order and is not present in the garden of 26 Heol Iscoed. This should be omitted from the order.
- 3.12 39 Llwyn Teg. Group G6 is defined as five oak trees, the Occupier has counted two trees that are twin stemmed as four trees. No amendment to the order is required.

4. Recommendation

That the Tree Preservation Order: Land at: Llwyn Teg, Heol Iscoed, Heol Islwyn, Gelli Deg & Gelli Rhedyn, be confirmed with the omission of trees T5 and T16.

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