

Report of the Head of Economic Regeneration and Planning

Planning Committee - 10 May 2016

Provisional Tree Preservation Order P17.7.4.599

Tavistock Road and Parc Wern Road, Sketty, Swansea. 2016.

To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 599: Tavistock Road and Parc Wern Road, Sketty, Swansea. 2016.

Recommendation:

That the Tree Preservation Order: Tavistock Road and Parc Wern Road, Sketty, Swansea be confirmed

For Decision

1. Introduction

- 1.1 This report has been modified in response to comments made at the Planning Committee Meeting on 12th April 2016 and a deferment for site visit on 10th May 2016.
- 1.2 The provisional Order was served on 28th January 2016

2. Objections and Representations

- 2.1 Two letters expressing objections have been received within the minimum required consultation period. No letters of support have been received.
- 2.2 Mr Booker of 17 Tavistock Road objects to the trees on his property being included due to the following reasons:
- they do not have amenity value
 - that they are dangerous.
 - that the procedural requirements of the Regulations have not been followed.
 - that the method used for assessing the trees is vague and hardly a reason for implementing a TPO.
 - None of the trees are rare or make a significant contribution to the character of the area
 - The trees are not suitable in their current position
 - Correspondence from neighbours was ignored and withheld from the Secretary of State at the time of Mr. Booker's objection to the original order.
- 2.3 Kevin Lane & Company Solicitors has objected on behalf of Dr and Mrs Andrews at 10 Queens Road to one of two copper beech at their property being included.

- 2.3.1 The objection is on the grounds that the tree is causing damage to the boundary wall and they are fearful of it collapsing.
- 2.3.2 Mrs Andrews also stated that the tree is too close to their house when she spoke at the previous Planning Committee.
- 2.3.3 Kevin Lane & Company Solicitors also state that the tree impinges on the access of sun, light and air to the front of the property.
- 2.3.4 They also make a representation about the other copper Beech stating that they would like to prune it.

3 Appraisal

- 3.1 A provisional tree preservation order P17.7.4.599 has been placed on trees at Tavistock Road & Parc Wern Road, Sketty; they were covered by an Order served in 1982. The Order was reviewed on 7th August 2015. 12 of the 30 trees covered by the original Order were missing or no longer merit a TPO. The makeup of the groups has changed. It was determined to remake the TPO with an amended schedule as TPO599.
- 3.2 All the trees provide considerable local amenity and contribute to the leafy suburban environment.
- 3.3 Mr Booker objected to the original TPO being served in 1982, he has also made applications in 1982 and 1999 to remove his trees. Neither unsuccessful application was appealed. Despite a site meeting with Mr Booker to explain the TPO process and the trees' value he maintains his objection. The trees were examined more closely at the time of this meeting and no reason was found to not include the trees in the TPO due to ill health or structural defects.
 - 3.3.1 The amenity value was demonstrated on site to Mr Booker; his trees can be clearly seen from Tavistock and Parc Wern Roads and are prominent landscape features.
 - 3.3.2 The Landscape Assistant (Arboriculturalist) made a closer inspection of the trees when meeting Mr Booker. No significant defects or signs of ill health were seen to suggest that the trees are dangerous.
 - 3.3.3 The procedural requirements were outlined to Mr Booker and the very fact that the meeting took place showed that the process was not "an arbitrary and undemocratic decision".
 - 3.3.4 The method for assessing the trees is a well-used system within the tree industry and the amenity value of the trees is the principal reason for implementing TPO status.
 - 3.3.5 None of the trees are rare; however this is not a requirement of a TPO tree. The trees are significant landscape features and can clearly be seen from the surrounding area, the tree lined streets and gardens of this area of Swansea are very much a landscape characteristic.

- 3.3.6 The trees are at the end of the large garden of 17 Tavistock Road and are some distance from the house; this is replicated for the adjacent property in Parc Wern Road.
- 3.3.7 An objection cannot be escalated to the Secretary of State. An appeal can be made to the Secretary of State following confirmation on a point of law; this also applies to the new TPO.
- 3.4 The Beech tree at 10 Queens Road is cracking the boundary wall and causing a slight lean, but this is not excessive at this moment in time. If the damage worsens an application can be made to remove the tree, the circumstances at the time will be assessed on its own merits.
- 3.4.1 The copper beech is a mature specimen and will have a reduced growth rate due to the limited available rooting area. The purple leaves of this tree also make it a slow growing specimen. These factors will make further damage to the wall happen over a long period of time.
- 3.4.2 The tree is a mature specimen, damage to the house is unlikely as the juxtaposition has been established for some time and no damage has been reported. Subsidence is also unlikely as this requires a shrinkable (clay soil) that is unlikely to be present in this part of Swansea.
- 3.4.3 The tree can continue to contribute to local amenity for at least ten years.
- 3.4.4 Removing such a tree to increase light levels would not usually be entertained if the tree is protected.
- 3.4.5 Kevin Lane & Company Solicitors has been informed of the procedure for applying to do work to protected trees.

4. Recommendation

- 4.1 It is recommended that the Tree Preservation Order: Tavistock Road and Parc Wern Road, Sketty, Swansea. 2016; TPO P17.7.4.599 be confirmed without amendment.
- 4.2 If the committee members decide that the beech tree at 10 Queens Road should not be included in the TPO, it is recommended that Tree Preservation Order: Tavistock Road and Parc Wern Road, Sketty, Swansea. 2016; TPO P17.7.4.599 be confirmed with the modification of tree T12 omitted.

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