



Report of the Head of Planning and City Regeneration

Planning Committee - 9 January 2018

Provisional Tree Preservation Order TPO 632

Land at St Teilo's Church, Church Lane, Pontarddulais, Swansea (2017)

To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 632: Land at St Teilo's Church, Church Lane, Pontarddulais, Swansea (2017)

Recommendation:

That the Tree Preservation Order TPO 632: Land at St Teilo's Church, Church Lane, Pontarddulais, Swansea (2017), be confirmed

For Decision

1. Introduction

- 1.1 The provisional Order was served on 12th June 2017 following the Council receiving information that St Teilo's Church intended to fell four trees in the church yard.
- 1.2 The Vicar of St Teilo's Church did not indicate which trees were going to be removed when asking if any were protected. Subsequent site investigations found that good quality mature trees surround the church. To ensure local amenity was not adversely affected TPO632 was served.

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 The inhabitants of 6 Ffordd Yr Odyn object to the trees in the church yard being protected for the following reasons:
 - The trees shade their rear garden and house significantly;
 - The branches of the tree overhang their garden and pose a danger if they were to break;
 - The trees are 'unstable' due to previous work.

- 2.3 The inhabitants of 4 Ffordd Yr Odyn object to the trees in the church yard being protected for the following reasons:
- The trees shade their rear garden and house significantly;
 - Their rear lawn is being affected by leaf fall, uptake of water and root growth;
 - The trees adjacent to their garden are unbalanced and overhang;
 - The trees adjacent to their garden were not protected when their removal was agreed with the Vicar;
 - The four trees adjacent to their garden identified for removal could have been excluded from the order with prior discussion.
- 2.4 Following discussions with the Authority's Tree Officer a tree works application (2017/1584/TPO) was submitted to the Council to fell the four trees adjacent to 4 and 6 Ffordd Yr Odyn. The felling of two of the four trees was approved as their removal would not be detrimental to the local amenity.
- 2.5 The removal of the other two trees was not permitted as this would have changed the character of the churchyard, and would have had too great an impact on the amenity of the area.
- 2.6 An appeal has not been made against this decision to the Planning Inspectorate.

3 Appraisal

- 3.1 **Objection:** The trees shade their rear garden and house significantly.
Response: The trees adjacent to 4 and 6 Ffordd Yr Odyn are to the North of these properties. It is acknowledged that there will be some shading late in the afternoon, but it is considered that this will be minimal and could be mitigated by pruning of the remaining overhanging canopies. Pruning of the overhanging branches would increase light into the garden whilst retaining the screening and setting of the church yard.



Photograph 1: Trees to the north of 4 and 6 (red cross) Ffordd Yr Odyn. Note shadows from houses

- 3.2 **Objection:** Overhanging branches pose a danger if they were to break / unbalanced trees.
Response: Previous pruning of the trees has not been carried out in line with current best practice. The two remaining trees are oaks that are relatively slow growing and

are resistant to decay. Problems associated with the previous work typically apply to fast growing, easily decayed trees such as ash and sycamore.

There were no significant defects noted with the trees during the times of the site visits made by the Authority's Tree Officer. Any dead or damaged branches can be removed under exemption to prevent structural damage. For these reasons the trees are not considered to pose an unacceptable level of risk.

3.3 **Objection:** Negative effects to lawn.

Response: The lawn is uneven due to the growth of the tree roots and is suffering from the shading of the tree canopies. There is no right to light, however, these effects will have been significantly reduced by the removal of two of the trees and can be further reduced by the pruning suggested.

3.4 **Objection:** Trees not protected when their removal was agreed.

Response: The trees were not protected and this was confirmed to the Vicar when he telephoned the Council to see if they were protected or not. Not all trees worthy of protection within the County are protected as they may not have been under threat previously. The Vicar informed the Council he intended to remove four trees from the churchyard; under Section 198 of the Town and Country Planning Act 1990 the Council has power to make tree preservation orders. *"(1)If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order."* The Council has made the TPO following assessment of the trees.

3.5 **Objection:** Exclusion of the four trees.

Response: This suggestion has stemmed from discussions with the Authority's Tree Officer that have been misinterpreted. The Tree Officer suggested that the 'requested' tree work could be applied for. As previously stated this work was applied for and approved for two of the trees. The area order status does not allow the exclusion of two / four of the trees and the conditioning of replacement trees.

3.6 In summary the trees that have objections made against their inclusion in the order have demonstrable amenity value and pruning work can be applied for that is likely to be approved if reasonable and not harmful to the health and longevity of the trees in question.

4. **Recommendation**

It is recommended that the Tree Preservation Order, Land at: St Teilo's Church, Church Lane, Pontarddulais, Swansea (2017), TPO 632 be confirmed without amendment.

Contact Officer: Alan Webster **Extension No:** 5724

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