

<b>REPORT TO:</b>	Planning Committee
<b>REPORT NO.</b>	COPR/53/19
<b>DATE:</b>	4 <sup>th</sup> November 2019
<b>REPORTING OFFICER:</b>	Chief Officer Planning and Regulatory
<b>CONTACT OFFICER:</b>	Jon Brewin (Tel 298763)
<b>SUBJECT:</b>	Tree Preservation Order 296/2019 40 Rhodfa Ganol, Johnstown, LL14 1PW.
<b>WARD:</b>	Johnstown

## **PURPOSE OF THE REPORT**

For the Planning Committee to consider written representations made in respect of Tree Preservation Order (TPO) WCBC 296 / 2019 – '40 Rhodfa Ganol, Johnstown, LL14 1PW' and to determine whether or not, to confirm the TPO and make permanent with or without modification.

## **INFORMATION**

- 1 The objective of the Tree Preservation Order is to protect one mature oak tree located to the rear garden boundary of the property 40 Rhodfa Ganol, Johnstown, which may be considered to be at risk from inappropriate future management or premature felling. The oak tree in question is identified within the TPO as 'T1' and is located within the eastern boundary of the rear garden to the property.
- 2 Under Objective 3(6) within the Council's agreed '*Tree & Woodland Strategy 2016-2026*', the Council states the requirement to protect trees and woodlands through the implementation and use of Local Planning Policy, Tree Preservation Orders and Planning Conditions where amenity is a consideration or the trees are under threat.

- 3 A TEMPO assessment was undertaken on the oak tree with a guidance score of 17/25 indicating sufficient amenity value to warrant a TPO defensible under the terms of the industry recognised evaluation process. Subsequently TPO 296/2019 was made and served to all 'interested parties' on the 15<sup>th</sup> of May 2019. Copies of the new order were posted to all 'interested parties' including the current owners.



Figure 1: Location plan indicating the rear garden boundary position of the amenity tree T1: oak (shown as a 'green' dot).

- 4 The TPO was initially made and served as a precautionary measure simply to protect an oak tree with high amenity value and to ensure that it was managed appropriately now and in the future in accordance with good arboricultural practice and risk management.
- 5 The tree was first brought to the attention of the council by the current owners who contacted the council to confirm as to whether or not the tree was subject to any statutory protection. This dialogue led to a site visit during which the history, condition, value and future management of the tree was discussed.
- 6 The tree would appear to be one of the last remaining trees of a hedgerow boundary feature originally in place prior to the development of Rhodfa Ganol and the Aberderfyn development. For a mature specimen, the tree is free of any obvious or significant defects and as an amenity feature can be viewed from the rear gardens of multiple residential dwellings in Rhodfa Ganol, Y Fron, Tegfan and Brynhyfryd. Potential issues such as low hanging branches and risks to adjacent structures were discussed and the owners were finally advised that the council would consider the value of the tree sufficient enough to warrant a TPO.

## 7 **Written Representations**

The 28 day consultation period allowed for the submission of four letters of objection from private residents including the tree owners themselves.

### **Objections to T1:**

All four objections focussed on the concern that, as neighbours and tree owners, it was incredibly important that they still be able to manage the tree as and when necessary with not one objection actually stating an offence to the tree or any intention to manage the tree inappropriately. The neighbouring properties indicate that small levels of pruning work have been necessary in the past in order to provide an appropriate level of clearance from adjacent structures.

As the tree has always been valued and only pruned when necessary, the objectors would like the TPO removed as they would not consider it necessary.

## 8 ***Officer Response:***

The points raised by the objectors regarding how they value the tree and only seek to ensure that it is possible to work on the tree when necessary, whether that be justified on the grounds of health and safety or to abate a nuisance, would seem valid, however the council would wish to address such concerns by assuring the neighbours concerned that should the tree require pruning in order to provide clearances or to abate a nuisance or to undertake whatever works may be justifiable on the grounds of health and safety then, providing the proposal submitted has supporting evidence, it is likely that the council would grant an appropriate level of consent.

## 9 **Summary**

When placing a tree under the protection of a TPO the council seek to protect the tree for the term of its safe useful life expectancy and sometimes, beyond therefore whilst the oak tree (T1) may currently appear to be under no immediate threat we must take into consideration potential future risks, conflicts, change of ownerships etc and take appropriate precautionary steps to protect such trees in advance once we determined the amenity value.

The oak has historical and amenity value and whilst under no obvious immediate threat its future longevity and increasing value should be protected. Neighbouring properties should be able to undertake works which are considered necessary providing suitable evidence accompanies any necessary application.

## 10 RECOMMENDATION

It is the Officer's considered opinion that Tree Preservation Order 296/2019 '40 Rhodfa Ganol, Johnstown, Wrexham' should be confirmed without modification.

### BACKGROUND PAPERS

- Objection 1: Mr Williams
- Objection 2: Chris & Jane
- Objection 3: Mr Plack
- Objection 4: Mrs Franklin
- TEMPO 'Assessment of amenity for tree undertaken on the oak (T1).