

REPORT TO:	Planning Committee
REPORT NO.	COPR/54/19
DATE:	4 th November 2019
REPORTING OFFICER:	Chief Officer Planning and Regulatory
CONTACT OFFICER:	Jon Brewin (Tel 298763)
SUBJECT:	Tree Preservation Order 294/2019 '6 Yarwood Drive, Wrexham, LL13 9UJ.
WARD:	Borras Park

PURPOSE OF THE REPORT

For the Planning Committee to consider written representations made in respect of Tree Preservation Order (TPO) WCBC 294 / 2019 – '6 Yarwood Drive, Wrexham, LL13 9UJ' 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 silver birch tree located within the rear garden of the property 6 Yarwood Drive which may be considered to be at risk from inappropriate management or premature felling. The birch tree in question is identified within the TPO as 'T1' and is located toward the south-east corner 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 birch tree with a guidance score of 17/25 indicating sufficient amenity value to warrant a TPO defensible

under the terms of the evaluation process. Subsequently TPO 294/2019 was made and served to all 'interested parties' on the 15th of May 2019. Copies of the new order were posted to all 'interested parties' including the current owner. Individual residents in Wellswood Road contacted the council after the order was served to inform that they had not yet received copies of the TPO, the two properties concerned were subsequently issued further copies.



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

- 4 The reason for the making of the TPO was primarily to protect the birch tree from alleged pressures from neighbouring properties concerned either about the structural condition of the tree the potential influences it may have upon adjacent structures including issues such as branch and root encroachment, detritus and reductions in natural light levels due to the increasing height of the tree.
- 5 The tree was first brought to the attention of the council by the tenants of the property who stated that the tree was a 21 year old commemorative planting to mark the passing of a family member. They considered the tree to be at risk and requested the council to view the tree and consider it for a Tree preservation Order. The tenants rent the property from Clwyd Alyn Housing Association who discussed the tree with the council prior to the TPO being made and served.

6 **Written Representations**

The 28 day consultation period allowed for the submission of three letters of objection from private, neighbouring residents and one letter of support from the Community Council.

Objections to T1:

The three objections centre around the birch tree focus on alleged nuisance and maintenance issues and the perceived risks presented to persons and property by the tree.

The nuisance issues mentioned relate to concerns such as: leaf litter blocking drains, reduced light levels into certain garden areas as a result of overall tree height and encroachment issues increasing maintenance time. There are also concerns regarding the potential influences of the tree on specific adjacent properties with regards to the potential risk and subsequent concerns relating to subsidence.

5 Officer Response:

The concerns expressed by the three letters of objection are generally considered to be typical of those issues presented by trees in an urban environment and provide an example of the negative influences trees can exert upon adjacent neighbouring properties.

The separate concerns raised by the objectors do need to be considered and balanced against the values of the tree and the services it provides to the larger community. Should an application be submitted for works to the birch tree which is accompanied by appropriate evidence supporting the reasons for the works proposed, then the council will determine the application and respond accordingly. There is no sufficient evidence at this stage to support the claims by the objectors or for the council to consider removing the TPO.

The Community Council support the TPO and no letter of objection was received from Clwyd Housing Association.

Summary

- 8 The birch tree is in good condition and is a good example in form and development of the species. Its corner location in the rear garden does mean that there are potential influences on neighbouring properties which may need to be determined as and when necessary however, there appears to be no current justification or evidence to have the tree reduced or removed and therefore the Tree Preservation Order would appear to be an appropriate, precautionary protective measure for a tree with determined amenity value.

10 RECOMMENDATION

It is the Officer's considered opinion that Tree Preservation Order 294/2019 '6 Yarwood Drive, Wrexham' should be confirmed without modification.

BACKGROUND PAPERS

- Objection 1: Mr Jones
- Objection 2: Mr Lawrence
- Objection 3: Mr Heywood
- Support 1: Acton Community Council
- TEMPO 'Assessment of amenity for tree undertaken on the birch (T1).