

Denbighshire County Council

Report To: Planning Committee

Date: Wednesday, 12 May 2021

Report By: Planning Officer (Luci Duncalf)

Subject: General Matters Report – Objections to Tree Preservation Order No. 4 (2020) made by Denbighshire County Council

1. Purpose of Report

1.1. To inform members of the committee that the council have received several objections to provisional Tree Preservation Order No.4 (2020) Land at 118 Bro Deg, Ruthin made on 9th December 2020 and to recommend confirmation of the Tree Preservation Order. The Tree Preservation Order (TPO) affords protection to a single mature oak (T1) in the rear garden of the property.

2. Report

2.1. On 13th November 2020 an application for the approval of condition number 5 of original planning reference 5/02/7804 was refused. The reference number was 02/2020/0713 AC. The application was proposed to remove the oak tree which was protected by condition from the 1986 permission when the Bro Deg development was originally granted. The condition was as follows:

None of the trees or hedgerows within the application site shall be removed without the prior consent of the District Planning Authority.

Reason: In the interests of visual amenity

2.2. The reasons provided with the approval of condition application for the felling of the tree were due to the damage the tree has caused to a drainage pipe through the roots. However, the drainage report showed the damage to the pipe has possibly been caused by a fence post. The other reasons provided by the applicant are due to the costs of the tree's upkeep, potential damage to the property by the tree in high winds and the safety risk of fallen leaves on the pathway.

2.3. The Tree Consultant concluded that there was no justification to fell the tree as no tree report was submitted to indicate there was anything defective with the tree or that it was unsafe. It was concluded that the felling of the tree would have a detrimental impact on the visual amenity of the area and that a provisional TPO was justified because TPOs are better suited to the long term protection of trees, and prohibit lopping and topping trees without LPA consent. The application was refused (02/2020/0713 AC) and subsequently a provisional TPO was made with the owners and other interested parties being served with copies of the order.

2.4. Following service of the TPO the Council received the following objections from interested parties.

Owner, Sophie Jones, 19/01/2021 with tree survey report by A. Williams 18/01/2021
Email of objection from Ian Logan 19/01/2021, 22/12/2021 and photograph
Email of objection from Hefin Hughes 16/01/2021
Letter of objection from Nancy Perkins 16/01/2021
Planning comment from Mark Timmins 18/01/2021

All the objections relate to safety concerns primarily due to cavities caused by decay. In particular the tree survey report and photographs submitted by Ian Logan refer to cavities in the main limbs.

- 2.5. The Council's Tree Consultant inspected the tree and is of the opinion that the tree does need major pruning works to reduce the risk of failure but primarily, due to the tree's considerable age, is worthy of retention and continued protection by a Tree Preservation Order.
- 2.6. The Council's Tree Consultant recently agreed major pruning works with the applicant's Tree Contractor. These tree works have been formally consented by the LPA and are to take place in the near future. As a result **two** of the objections have been withdrawn providing the agreed works take place and it is only necessary to formally consider the remaining objections prior to confirming the TPO. The remaining objections do not raise any safety concerns that would not be addressed by the agreed impending tree works.

If the objection is not considered by committee and the TPO remains unconfirmed, it will lapse on 9th June 2021 (i.e. after 6 months) and the tree will no longer be protected.

3. Conclusion

- 3.1. Taking into account the objections received regarding the safety of the tree and the major works which have been agreed which will remedy the structural condition of the tree, it is recommended that the TPO is confirmed without modification.

4. Recommendation

- 4.1. Tree Preservation Order No. 4 (2020) Land at 118 Bro Deg, Ruthin is confirmed without modification to afford the mature oak continued protection.

Background documents

Tree Preservation Order No. 4 (2020) Land at 118 Bro Deg, Ruthin

Officer report for refusal of approval of condition application ref. 02/2020/0713

Tree consultant inspection notes 16 February 2021