

REPORT OF THE DEVELOPMENT MANAGEMENT TEAM LEADER ON OTHER PLANNING MATTERS

Tree Preservation Order 138 with objection received

Type: Tree Preservation Order

Reference: TPO 138 – Aber Hescwm

TPO implemented: 31st July 2018

Description:

T1 - Afal 'Haidd Rhuddgoch' / Apple 'Crimson Bramley' - Gardd Felin Hescwm / Garden of Hescwm Mill

T2 – Ywen / Yew - Gardd Felin Hescwm / Garden of Hescwm Mill

T3 – Onnen / Ash - Ar hyd llwybr troed (HTC 16/37) / Along footpath (PROW 16/37)

T4 – Onnen / Ash - Ar hyd llwybr troed (HTC 16/37) / Along footpath (PROW 16/37)

T5 - Myrtle T3 – Ar hyd llwybr troed (HTC 16/37) / Along footpath (PROW 16/37)

T6 – Onnen / Ash - Ar hyd llwybr troed (HTC 20/4) / Along footpath (PROW 20/4)

T7 – Onnen / Ash - Ar hyd llwybr troed (HTC 20/4) / Along footpath (PROW 20/4)

T8 – Onnen / Ash - Ar hyd llwybr troed (HTC 20/4) / Along footpath (PROW 20/4)

T9 – Onnen / Ash - Ar hyd llwybr troed (HTC 20/4) / Along footpath (PROW 20/4)

T10 – Onnen / Ash - Ar hyd llwybr troed (HTC 20/4) / Along footpath (PROW 20/4)

T11 – Onnen / Ash - Ar hyd llwybr troed (HTC 20/4) / Along footpath (PROW 20/4)

T12 – Onnen / Ash - Pen gogleddol dyffryn Aber Hescwm ar hyd ffin Melin Hescwm a Pont Y Meddyg / Northern end of Aber Hescwm valley along boundary of Hescwm Mill and Pont Y Meddyg

T13 – Onnen / Ash - Pen gogleddol Aber Hescwm ar hyd ffin Melin Hescwm a Pont Y Meddyg / Northern end of Aber Hescwm valley along boundary of Hescwm Mill and Pont Y Meddyg

T14 – Onnen / Ash - Pen gogleddol Aber Hescwm ar hyd ffin Melin Hescwm a Pont Y Meddyg / Northern end of Aber Hescwm valley along boundary of Hescwm Mill and Pont Y Meddyg

W1 - Onnen, Sycamorwydden a Helyg yn bennaf / Predominantly Ash, Sycamore and Willow - Ar hyd llwybr troed (HTC 20/4) / Along footpath (PROW 20/4)

W2 - Onnen, Sycamorwydden, Helyg a Gwernen yn bennaf / Predominantly Ash, Sycamore, Willow and Alder - Dyffryn Aber Hescwm ar hyd ffin Felin Hescwm a Pont y Meddyg / Valley of Hescwm along boundary of Hescwm Mill and Pont y Meddyg

W3 - Onnen, Sycamorwydden a Ywen yn bennaf / Predominantly Ash, Sycamore and Yew - Ar hyd llwybr troed (HTC 16/37) / Along footpath (PROW 16/37)

W4 - Onnen a Sycamorwydden yn bennaf / Predominantly Ash and Sycamore - Pen deheuol dyffryn Aber Hescwm ar hyd ffin Felin Hescwm a Pont y Meddyg / Southern end of Aber Hescwm valley along boundary of Hescwm Mill and Pont Y Meddyg

- The trees make a significant contribution to the character of the area and provides visual amenity to Aber Hescwm from the coastpath and adjacent public rights of ways.

Tree Preservation Order History:

- A request was received by this authority that Aber Hescwm be considered for a TPO.

- TPO 136 was implemented on the 31st January 2018
- On July 31st 2018, the National Park Authority decided not to confirm the order because it is considered in this instance the review period of the Tree Preservation Order identified required amendments and additions to the plan and schedule beyond the scope of what is deemed acceptable under the TPO modification guidance.
- A further TPO (TPO 138 – to which this report refers) was implemented on 31st July 2018 with amendments made.

Consultee response:

Dinas Cross Community Council – Consulted

Public response:

1 Letter - Proposing modifications to TPO

The main issues raised are in letter are:

1. Request omission of trees T12, T13 and T14
2. Amend area covered of W2
3. Gap between W4 and W2
4. Amend area covered by W4
5. Amend area covered by W3

Comments on objections raised

In respect of issue (1):

- The request to omit trees T12, T13 and T14; was assessed during a site visit; which identified that although not of a comparable size to the Ash trees on the opposite side of the valley, there were two ash trees located in the approximate area identified on the plan.
- Following the site assessment the following modifications were decided as appropriate:
 - T12 would remain in the present location
 - T13 repositioned to the west of the current location
 - T14 omitted from the TPO

In respect of issue (2):

- Woodland 2 is marked on the TPO plan based upon the current canopy spread of the woodland based upon recent aerial imagery.
- This is to ensure that the visual amenity of the woodland is retained; as amendment of the woodland on the plan would allow for significant pruning of the woodland canopy, which would impact on the visual amenity of the natural encroachment of the canopy.
- The inclusion of the canopy will not prevent the management of trees (and canopy spread) within the garden area; nor will it prevent pruning back the canopy in the future, should it begin to oppress the garden area.
- Management of this woodland canopy (through branch reductions and or selective trees removals) would be acceptable as good woodland management, and can be applied for under a TPO application.

- The marking of the current canopy spread will also ensure that when the canopy spreads beyond what is reasonable, it can be pruned back to retain the visual amenity.
- it will also ensure that the amenity value of the woodland is understood to include the natural form of the woodland canopy edges.

In respect of issue (3):

- At present there is a gap shown between W4 and W2; which the objection identified as a line of sight between the two properties.
- A site visit identified what appeared to be three small trees between the gap (1 x Hawthorn, 1 x Willow and 1 x Ash); which were proposed under the objection letter as being included in the TPO to provide a bridge between the two woodlands.
- A visual assessment of the site identified that the trees in question were not cohesive with either woodland; or each other to an extent that would meet the criteria for inclusion as part of either woodland.
- In terms of individual trees included within the TPO; they are serving a visual privacy between two private properties; and did not provide significant visual benefit to the immediate area from a public area.
- The trees can be reconsidered in the future if they establish to offer more visual amenity than currently afforded.

In respect of issue (4):

- Woodland 4 is marked on the TPO plan based upon the current canopy spread of the woodland based upon recent aerial imagery.
- This is to ensure that the visual amenity of the woodland is retained; as an amendment of the woodland on the plan would allow for significant pruning of the woodland canopy, which would impact on the visual amenity of the natural encroachment of the canopy.
- The inclusion of the canopy will not prevent the management of trees (and canopy spread) overhanging the mill pond at the western end should it begin to oppress the garden area.
- The Gunnera located on the island would not be subject to the TPO; however the woodland canopy overhanging the island would be; although it will not prevent pruning back the canopy in the future for good management.
- Management of this woodland canopy (through branch reductions and or selective trees removals) would be acceptable as good woodland management, and can be applied for under a TPO application.
- The marking of the current canopy spread will also ensure that when the canopy spreads beyond what is reasonable, it can be pruned back to retain the visual amenity.
- it will also ensure that the amenity value of the woodland is understood to include the natural form of the woodland canopy edges.

In respect of issue (5):

- Woodland 3 is also marked on the TPO plan based upon the current canopy spread of the woodland based upon recent aerial imagery.
- This is to ensure that the visual amenity of the woodland is retained; as an amendment of the woodland on the plan based upon stem positions would allow

for significant pruning of the woodland canopy, which would impact on the visual amenity of the natural shape of the canopy.

- The inclusion of the canopy will not prevent the management of trees (and canopy spread) overhanging the Grade II Listed pigsty should branches/trees begin to interfere with the structure.
- Management of this woodland canopy (through branch reductions and or selective trees removals) would be acceptable as good woodland management, and can be applied for under a TPO application.
- The marking of the current canopy spread will also ensure that when the canopy spreads beyond what is reasonable, it can be pruned back to retain the visual amenity.
- It will also ensure that the amenity value of the woodland is understood to include the natural form of the woodland canopy edges.
- The proposed reduction in the canopy spread on the South-Eastern end is reasonable; as a site inspection identified that the woodland canopy terminated at an established Yew tree, with the species present beyond this point being shrubs within a formal garden area, distinct from the woodland.

Policies

The following National guidance is relevant to the consideration of the Proposal:

- Planning Policy Wales Edition 10
- Technical Advice Note 10 – Tree Preservation Orders (1997) to be read in conjunction with:
 - Town and Country Planning Act 1990
 - Town and Country Planning (Trees) Regulations 1999
 - Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2012
 - Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2017

Recommendation:

Although the visual aesthetics of a tree or trees is subjective, the objective guidelines for implementing a Tree Preservation Order are all sufficiently met by the group in question; taking into account the following criteria:

Visibility

- The individual trees and woodlands are all visible from public rights of way
- In this instance the right of way is the route of the Pembrokeshire Coast National Park Coastpath.

Individual impact

- The trees are predominantly native.
- The trees were selected due to their visual amenity; namely:
 - Trees growing as cohesive woodlands within the valley (W1-W4 inclusive)
 - Trees growing as formal planting within the garden of a listed building (T1-T5 inclusive)
 - Trees selected due to their unique form, resulting from growing in an exposed coastal environment (T6-T13 inclusive).

Wider impact

- The trees collectively contribute significantly to this coastal valley location; with trees of collective value as well as individual trees selected for their visual importance
- The loss of these trees would have a significant impact on the visual amenity of Aber Hescwm.
- Although not under immediate risk, as both landowners support the TPO; the woodlands and trees within the valley are worthy of recognition and protection for the foreseeable future.

It is this officer's opinion that the trees and Woodlands can be protected as they meet the criteria for inclusion of a TPO and will retain these trees for their local historical importance.

Recommendation:

- **That Tree Preservation Order 138 be confirmed with the following modifications:**

Detail of modifications:

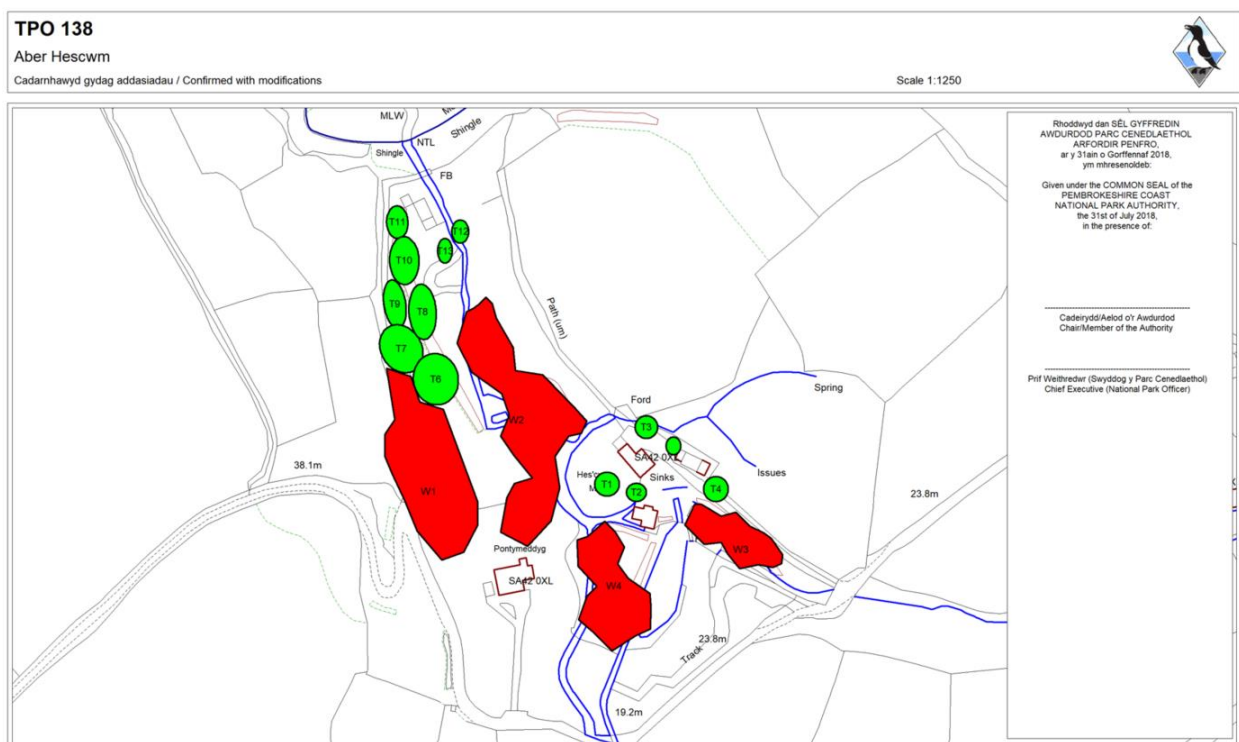
- Removal of T14
- Repositioning of T13
- Reduction in spread of South-Eastern End of W3

Amended Schedule

- T1 - Afal 'Haidd Rhuddgoch' / Apple 'Crimson Bramley' - Gardd Felin Hescwm / Garden of Hescwm Mill
- T2 – Ywen / Yew - Gardd Felin Hescwm / Garden of Hescwm Mill
- T3 – Onnen / Ash - Ar hyd llwybr troed (HTC 16/37) / Along footpath (PROW 16/37)
- T4 – Onnen / Ash - Ar hyd llwybr troed (HTC 16/37) / Along footpath (PROW 16/37)
- T5 - Myrtle T3 – Ar hyd llwybr troed (HTC 16/37) / Along footpath (PROW 16/37)
- T6 – Onnen / Ash - Ar hyd llwybr troed (HTC 20/4) / Along footpath (PROW 20/4)
- T7 – Onnen / Ash - Ar hyd llwybr troed (HTC 20/4) / Along footpath (PROW 20/4)
- T8 – Onnen / Ash - Ar hyd llwybr troed (HTC 20/4) / Along footpath (PROW 20/4)
- T9 – Onnen / Ash - Ar hyd llwybr troed (HTC 20/4) / Along footpath (PROW 20/4)
- T10 – Onnen / Ash - Ar hyd llwybr troed (HTC 20/4) / Along footpath (PROW 20/4)
- T11 – Onnen / Ash - Ar hyd llwybr troed (HTC 20/4) / Along footpath (PROW 20/4)
- T12 – Onnen / Ash - Pen gogleddol dyffryn Aber Hescwm ar hyd ffin Melin Hescwm a Pont Y Meddyg / Northern end of Aber Hescwm valley along boundary of Hescwm Mill and Pont Y Meddyg
- T13 – Onnen / Ash - Pen gogleddol Aber Hescwm ar hyd ffin Melin Hescwm a Pont Y Meddyg / Northern end of Aber Hescwm valley along boundary of Hescwm Mill and Pont Y Meddyg
- ~~T14 – Onnen / Ash – Pen gogleddol Aber Hescwm ar hyd ffin Melin Hescwm a Pont Y Meddyg / Northern end of Aber Hescwm valley along boundary of Hescwm Mill and Pont Y Meddyg~~

- W1 - Onnen, Sycamorwydden a Helyg yn bennaf / Predominantly Ash, Sycamore and Willow - Ar hyd llwybr troed (HTC 20/4) / Along footpath (PROW 20/4)
- W2 - Onnen, Sycamorwydden, Helyg a Gwernen yn bennaf / Predominantly Ash, Sycamore, Willow and Alder - Dyffryn Aber Hescwm ar hyd ffin Felin Hescwm a Pont y Meddyg / Valley of Hescwm along boundary of Hescwm Mill and Pont y Meddyg
- W3 - Onnen, Sycamorwydden a Ywen yn bennaf / Predominantly Ash, Sycamore and Yew - Ar hyd llwybr troed (HTC 16/37) / Along footpath (PROW 16/37)
- W4 - Onnen a Sycamorwydden yn bennaf / Predominantly Ash and Sycamore - Pen deheuol dyffryn Aber Hescwm ar hyd ffin Felin Hescwm a Pont y Meddyg / Southern end of Aber Hescwm valley along boundary of Hescwm Mill and Pont Y Meddyg

Amended plan



Tree Preservation Order 139 with no objections received

Type: Tree Preservation Order

Reference: TPO 139 – Barbeque Lawn, Saundersfoot

TPO implemented: 31st July 2018

Description:

- T1 - *Sorbus sp.* - Southern boundary of Barbeque lawn

- T2 - *Sorbus sp.* - Southern boundary of Barbeque lawn
 - T3 - *Acer sp.* - Commemorative planting with plaque: *'This tree was planted by Councillor Mrs. Rosemary Hayes J.P. in memory of those who lost their lives in the victory over Japan'* - Southern boundary of Barbeque lawn
 - T4 - *Sorbus sp.* - Southern boundary of Barbeque lawn
 - T5 - *Sorbus sp.* - Eastern boundary of Barbeque lawn
 - T6 - *Acer sp.* - Commemorative planting with plaque absent - Eastern boundary of Barbeque lawn
 - T7 - *Sorbus sp.* - Eastern boundary of Barbeque lawn
 - T8 - *Sorbus sp.* - Commemorative planting with plaque: *'This tree was planted by Mr Trevor Lewis C.B.E. D.L. in memory of those who lost their lives to win the victory in Europe'* - Eastern boundary of Barbeque lawn
 - T9 - *Prunus sp.* - North-east corner of Barbeque lawn
- The trees make a significant contribution to the character of the area and provides visual amenity to the village and harbour.

Tree Preservation Order History:

- The site was considered for a TPO following numerous requests from members of the public; along with this authority receiving a pre-application relating to the site.
- The trees on site were assessed during a site visit and TPO 135 was implemented on the 31st January 2018
- On July 31st 2018, the National Park Authority decided not to confirm the order because official documents relevant to Order have been misplaced and this Authority was unable to consider the order fully in regards to consultation correspondence and the Order as a whole.
- To ensure that the Order was fully considered by this Authority; all relevant parties were given the opportunity to re-comment on the proposed TPO.
- The authority implemented a fresh TPO for the trees in question.
- TPO 135 was not be confirmed and was superseded through implementation of TPO 139 as of the 31st July 2018.

Consultee response:

Saundersfoot Community Council – Consulted

Public response:

2 letters of support

1 email of support

Policies

The following National guidance is relevant to the consideration of the Proposal:

- Planning Policy Wales Edition 10
- Technical Advice Note 10 – Tree Preservation Orders (1997) to be read in conjunction with:
 - Town and Country Planning Act 1990
 - Town and Country Planning (Trees) Regulations 1999
 - Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2012
 - Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2017

Recommendation:

- Although the visual aesthetics of a tree or trees is subjective, the objective guidelines for implementing a Tree Preservation Order are all sufficiently met by the group in question; taking into account the following criteria:

Visibility

- The individual trees are all visible from public rights of way
- In this instance the right of way is the main through route of Saundersfoot

Individual impact

- The existing trees are located in two contiguous linear groups along the internal Southern and Eastern boundaries of the site.
- The groups also includes three Commemorative trees
- Over 700 letters requested a TPO on the commemorative trees; which highlights the importance of the trees in terms of their local significance

Wider impact

- The trees are local important; through their position in the only open green space within Saundersfoot village centre.
- They offer visual amenity and are a complimentary feature to the more formal Sensory garden.

It is this officer's opinion that the trees can be protected as they meet the criteria for inclusion of a TPO and highlight their local historical importance and visual amenity.

Recommendation:

- **That Tree Preservation Order 139 be confirmed**

Tree Preservation Order 140 with objection received

Type: Tree Preservation Order

Reference: TPO 140 – The Coach House, Y Cwcell, Tyddewi

TPO implemented: 31st July 2018

Description:

- T1 - Draenen wen/ Hawthorn
- The tree makes a significant contribution to the character of the area and provides visual amenity.

Tree Preservation Order History:

- A conservation area notification was received (NP/18/0373/TCA) for the following: *Hawthorn Tree – 3 metres tall – Removal*
- The tree was assessed as part of the Conservation Area Notification process and deemed to be worthy of retention.
- A TPO was placed on the tree based upon the guidance in TAN 10 – Section 33 which states:

'The purpose of the requirement to give the local planning authority 6 weeks' notice is to give the authority an opportunity to consider making a TPO in respect of the trees or woodlands concerned.'

Consultee response:

St David's City Council – Consulted

Public response:

1 Letter of Objection

The main issues raised are in objection are:

1. Concerns for view and light
2. Health and Safety hazard to the wider public

Comments on objections raised

In respect of issue (1):

- With the right to light at a specific opening (window) being an easement, it must actually be created; its existence can not be assumed.
- Therefore the it must be shown either by a specific grant or arise as a result of prescription – for example proof of uninterrupted light for 20 years.
- Further caveats are also applicable to this right.
- This issue is not the responsibility of the Planning authority; however the implementation of the Tree Preservation Order will not prevent approved management of the tree; of which this issue could be incorporated, if legal issues were to arise.
- There is no clear precedent of a right to light or a view in law; there is no legal obligation for a property owner to prune or remove their trees for reasons of light loss to a neighbouring property.

- It is considered that the tree is located in a position that breaks up the linear views of the car park from the public road and provides softening of the Coach House and car park boundary.

In respect of issue (2):

- The objection considers that the tree is a Health and Safety hazard due to the location alongside the highway and adjacent car park.
- It is a young tree and Hawthorn reach maturity after 50 years; so it is likely to provide amenity value for the foreseeable future.
- The spread of a mature open grown Hawthorn is 4-8 metres; so it is likely to continue to spread out as it establishes; however Hawthorn respond well to pruning and can be retained and managed without a future nuisance being caused by interference with adjacent areas (road and parking areas etc)
- The Tree Preservation Order placed upon the tree will not prevent the management of the tree, however it will ensure that the tree will retain the amenity value and continue to enhance the character of the area.
- Approved good arboricultural pruning works carried out will ensure unimpeded access along the public road can be achieved without compromising the form and amenity value, as well as maintaining suitable clearances for the adjacent parking areas (private and public).
- The species is suited to the area; in terms of size and form, so it is not considered to be impeding the potential of other trees, there is also no other significant specimens in proximity in which it may be impeding.
- The implementation of a TPO does not prevent management of trees for health and safety; it merely ensures that the works are clearly identified and implemented in accordance with good arboricultural practice.
- If the trees were to become a significant health and safety issue – i.e. the tree begins to impact on the structure of the surrounding wall; then the works to rectify the issue would be exempt from TPO legislation.

Policies

The following National guidance is relevant to the consideration of the Proposal:

- Planning Policy Wales Edition 3 – Chapter 5 (paras. 5.2.9 and 5.2.10)
- Technical Advice Note 10 – Tree Preservation Orders (1997) to be read in conjunction with:
 - Town and Country Planning Act 1990
 - Town and Country Planning (Trees) Regulations 1999
 - Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2012
 - Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2017

Officer Appraisal:

Although the visual aesthetics of a tree is subjective, the objective guidelines for implementing a Tree Preservation Order are all sufficiently met by the tree in question; taking into account the following criteria:

Visibility

- The tree is located adjacent to a public road (Quickwell Hill) and can be seen for approximately 180° visual arc.

- The tree can also be viewed from the public car park to the west; although this has not been considered in the public visibility assessment as it is not strictly speaking a public route.

Individual impact

- It is a young tree and Hawthorn reach maturity after 50 years; so it is likely to provide amenity value for the foreseeable future.
- The spread of a mature open grown Hawthorn is 4-8 metres; so it is likely to continue to spread out as it establishes; however Hawthorn respond well to pruning and can be retained and managed without a future nuisance being caused by interference with adjacent areas (road and parking areas etc)

Wider impact

- Hawthorn is a native specimen suited to the area in terms of size and form.
- It is not considered to be impeding the potential of other trees as there are no other significant specimens in proximity in which it may be impeding.
- Approved good arboricultural pruning works carried out will ensure unimpeded access along the public road can be achieved without compromising the form and amenity value, as well as maintaining suitable clearances for the adjacent parking areas (private and public).

It is this officer's opinion that the tree can be protected as they meet the criteria for inclusion of a TPO and will retain the tree for their amenity value.

Recommendation:

- **That Tree Preservation Order 140 be confirmed**

Site images

- *Viewed from South*



- Viewed from North



Tree Preservation Order 141 with objection received

Type: Tree Preservation Order

Reference: TPO 141 St Ishmael's Green

TPO implemented: 31st July 2018

Description:

Tree 1 - Cornel De-ddwyrain 13 Burgage Green Rd / South East corner of 13 Burgage Green Rd

- *Castan Ceffyl*/Horse Chestnut

Group 1: Ffin ddwyrainiol 14 Burgage Green Rd / Eastern boundary of 14 Burgage Green Rd

- 15 x Llwyfen / 15 x Elm
- 2 x Draenen wen / 2 x Hawthorn
- 1 x Helyg Clog / 1 x Eared Willow
- 1 x Ffawydd porffor / 1 x Purple Beech
- 1 x Castan ceffyl coch / 1 x Red horse chestnut
- 1 x Ewcalyptws / 1 x Eucalyptus
- 1 x Sycamorwydd / 1 x Sycamore

Group 2: Ffin orllewinol 14 Burgage Green Rd / Western boundary of 14 Burgage Green Rd

- 4 x Acer Platanoides 'Crimson King' / 4 x Acer Platanoides 'Crimson King'
- The trees make a significant contribution to the character of the area and provides visual amenity to the area surrounding the village green.

Tree Preservation Order History:

- A TPO request by this authority relating to trees at 14 Burgage Green Road.
- A site visit was carried out and it was identified that the site was adjacent to a village green of St Ishmaels.
- The area immediately surrounding the green was then assessed in regards to TPO legislation.

Consultee response:

St Ishmaels Community Council – Consulted

Public response:

Four letters received:

1 letter of support

3 letters of objection

The main issues raised in the letters of objection are:

1. Health and safety – including
 - Risk of damage in bad weather from branches
 - Street lamp obstructed by branches
 - Interfering with telegraph pole
2. Blocking light to adjacent properties
3. Not enhancing the green

4. Leaves:
 - in gutters of neighbouring properties
 - in road blocking drain
 - in vehicular turning bay

5. Damp issues to neighbouring properties

Note: some of these issues were raised in more than one objection letter

Comments on objections raised:

In respect of Issue (1):

- The objection considers that the trees may be a Health and Safety hazard due to their location alongside public and private land.
- The Tree Preservation Order placed upon the trees will not prevent the management of the trees; in terms of health and safety and good arboricultural practice, however it will ensure that the trees will retain the amenity value and continue to enhance the character of the area.
- Approved good arboricultural pruning works carried out will ensure that unimpeded access along the public road can be achieved without compromising the form and amenity value, as well as maintaining suitable clearances for the adjacent infrastructure; namely:
 - Telegraph pole and associated cables
 - Street lights
- Where utilities are a concern; the relevant organisation can be contacted such as BT / Openreach / Pembrokeshire County Council

In respect of Issue (2)

- With the right to light at a specific opening (window) being an easement, it must actually be created; its existence can not be assumed.
- Therefore the it must be shown either by a specific grant or arise as a result of prescription – for example proof of uninterrupted light for 20 years.
- Further caveats are also applicable to this right.
- This issue is not the responsibility of the Planning authority; however the implementation of the Tree Preservation Order will not prevent approved management of the trees; of which this issue could be incorporated, if legal issues were to arise.

In respect of Issue (3)

- The trees in question are located around the village green; and provide screening and softening of the adjacent buildings.
- The trees can be viewed from public routes adjacent to the village green as well as the village green area itself.
- The village green does not have any trees present at this time; and the neighbouring trees provide a visual backdrop to the grassed area.

In respect of Issue (4)

- Leaves are rarely a nuisance in the legal sense; as the general rule is that the neighbour must prove substantial interference with their comfort and convenience.
- The owner of a tree has no control on where leaves fall; and it is a seasonal occurrence to be accepted where trees are present.
- As such leaves filling gutters would be deemed as an inconvenience but would

- not normally be deemed as a nuisance; as it is unlikely that damage is caused.
- Where roads and or drains are a concern; the relevant authority can be contacted such as Pembrokeshire County Council / Dwr Cymru.

In respect of Issue (5)

- Where damage (legal nuisance) is considered an issue; it is advised that legal advice is obtained
- This matter would not be a planning consideration; other than to consider mitigating works under a TPO application if required to abate a nuisance, should it be required.

Policies

The following National guidance is relevant to the consideration of the Proposal:

- Planning Policy Wales Edition 3 – Chapter 5 (paras. 5.2.9 and 5.2.10)
- Technical Advice Note 10 – Tree Preservation Orders (1997) to be read in conjunction with:
 - Town and Country Planning Act 1990
 - Town and Country Planning (Trees) Regulations 1999
 - Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2012
 - Town and Country Planning (Trees) (Amendment) (Wales) Regulations 2017

Recommendation:

Although the visual aesthetics of a tree or trees is subjective, the objective guidelines for implementing a Tree Preservation Order are all sufficiently met by the trees in question; taking into account the following criteria:

T1 – Horse Chestnut

Visibility

- The tree is located adjacent to a public road (Burgage Green road) located within a garden elevated above the road
- It is visible in an approximate 270° visual arc from public rights of way.

Individual impact

- The tree is a medium specimen that is likely to continue to establish to provide amenity value for the foreseeable future.

Wider impact

- Horse Chestnut is not native to Pembrokeshire; however it is common in Pembrokeshire and can develop into trees of high amenity value.
- It is not considered to be impeding the potential of other trees as there are no other significant specimens in proximity in which it may be impeding.
- Approved good arboricultural pruning works carried out will ensure unimpeded access along the public road can be achieved without compromising the form and amenity value.

Group 1 - Various

Visibility

- The trees are located adjacent to a public road (N Hall Estate) located within a garden
- The group is visible from an approximate 180° visual arc from the adjacent public right of way.

Individual impact

- The trees are of various sizes, ages and species, and as such are likely to provide a cohesive group for the foreseeable future.

Wider impact

- The group comprises native and non-native specimens to Pembrokeshire and the group has a significant visual impact in regards to the village green.
- The trees can be managed to mitigate against issues without having a overall impact on the visual amenity of the group.
- Approved good arboricultural pruning works can maintain suitable clearances for the adjacent road and utilities without compromising the form and amenity value of the group.

Group 2 – Acer Platanoides ‘Crimson King’

Visibility

- The trees are located in a linear row immediately adjacent to a public right of way (Burgage Green road) located within a garden.
- The group is visible from an approximate 180° visual arc from the adjacent public right of way

Individual impact

- The trees are medium specimens with distinct foliage that will provide amenity value for the foreseeable future.

Wider impact

- Acer platanoides ‘Crimson king’ is non-native to Pembrokeshire; however the group is planted as a formal linear row, providing visual amenity.
- The group is not considered to be impeding the potential of other trees as there are no other significant specimens in proximity.
- Approved good arboricultural pruning works carried out will ensure unimpeded access along the public road can be achieved without compromising the form and amenity value.

It is this officer’s opinion that the trees can be protected as they meet the criteria for inclusion of a TPO and will retain the tree for their amenity value.

Recommendation:

- **That Tree Preservation Order 141 be confirmed**

Site image

- Group 1 – from Burgage Green Rd



- Group 1 – North Hall Estate



- T1 and G2 from Burgage Green Rd

