



Report of the Head of Planning and City Regeneration

Planning Committee - 6 July 2021

Provisional Tree Preservation Order TPO 680 Land at: 52 Caswell Road, Caswell, Swansea. (2021)

To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 680 Land at: 52 Caswell Road, Caswell, Swansea. (2021)

Recommendation:

That the Tree Preservation Order Land at: 52 Caswell Road, Caswell, Swansea. (2021) be confirmed with the omission of trees T2, T3, T4 and T5.

For Decision

1. Introduction

- 1.1 The provisional Order was served on 2nd February 2021.
- 1.2 The order was made whilst a planning application for the site was being considered (2020/2013/FUL).
- 1.3 The TPO was served following contact checking on their protective status. According to the Applicants tree survey, all the trees were 'moderate', 'B' quality as defined in the British Standard '*Trees in relation to design, demolition and construction. Recommendations*'.
- 1.4 Planning consent was granted subject to the retention of the trees on site and a condition requiring their protection during demolition and construction.

2. Objections and representations

- 2.1 One objection has been received on behalf of the landowner, produced by their Solicitor. This was received within the minimum statutory period.
- 2.2 One letter supporting the TPO was also received.
- 2.3 The reasons given for the objection are summarised below:
 - The TPO is not understood as trees T1, T2 and T5 are shown to be retained in the planning application;
 - T2 is on neighbouring land and should not be included in this TPO as the Title is not appropriate;
 - 'The trees have to be of sufficient amenity value to justify a TPO...';
 - T3 and T4 are non-native;

- Other trees will be retained;
- Other properties along Caswell Road do not have TPO trees and it is a fundamental principle of planning law is that everyone is treated the same;
- The Council will be able to safeguard the other trees by way of appropriate condition.

3 Appraisal

- 3.1 The TPO was served to ensure all five trees were protected prior to, during and after the planning process. All five trees are shown to be retained in the approved scheme. If the trees are to be retained then the imposition of the TPO should not matter to the Objector.
- 3.2 The Title of the TPO is only descriptive and conveys the approximate location of the trees.
- 3.3 The Objector states that the arboricultural report categorises these trees as 'moderate'. This is assumed, incorrectly, to have a negative connotation. If the wording of the standard is known, category B is used for trees with some defects that exclude the use of category A. Notwithstanding this incorrect assumption, the original arboricultural report has incorrectly categorised trees T2, T3, T4 and T5, their condition should have attracted the C category.
- 3.4 Trees are considered for their amenity contribution and it does not matter if they are native or non-native.
- 3.5 Without the imposition of the TPO, there is no guarantee that any of the trees will be retained.
- 3.6 Eight properties within a couple of hundred yards of number 52, spread on each side of Caswell Road have trees protected by TPO.
- 3.7 The landowner carried out the demolition of the existing building without first discharging the tree protection condition attached to his consent as required. When asked to stop work by the Tree Officer he refused. Therefore, as illustrated by the Objectors own actions, the planning conditions on their own do not provide enough protection to the trees.

Summary

- 3.8 The trees must be retained as part of the approved plans.
- 3.9 The trees are not the quality described in the arboricultural report.
- 3.10 The trees covered by the Order provide some local visual amenity to the area, even in their current state.
- 3.11 Condition 6 of the approved consent requires a landscape scheme to be provided. Any trees agreed to be planted in mitigation of removal of any of the trees covered by this order can be protected by a new TPO.
- 3.12 Tree T1 remains at risk from the Applicant / Objector during and after construction.

4. Recommendation

That the Tree Preservation Order Land at: 52 Caswell Road, Caswell, Swansea. (2021) be confirmed with the omission of trees T2, T3, T4 and T5.

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