

Report of the Head of Planning and City Regeneration

To Planning Committee

6th November 2018

Provisional Tree Preservation Order TPO 648

Land to the West of George Manning Way, Gowerton, Swansea (2018)

To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 648: Land to the West of George Manning Way, Gowerton, Swansea (2018)

Recommendation:

That the Tree Preservation Order: Land to the West of George Manning Way, Gowerton, Swansea (2018), be confirmed without modification.

For Decision

1. Introduction

- 1.1 The provisional Order was served on 25th April 2018.
- 1.2 The order was made following a report of trees being damaged on a planning application site.
- 1.3 Minimal damage to the trees on site had occurred, however site investigations had taken place.

2. Objections and Representations

- 2.1 One letter of objection was received from WYG on behalf of Coastal Housing Group within the statutory period of consultation. No letters of support have been received.
- 2.2 The reasons for the objection are summarised below:
 - a) WYG questions whether the serving of the Order is expedient in the interests of amenity. The objection refers to the tree report submitted with the planning application and the categorisation of the trees on site being predominantly category C or D. It is also noted that none of the trees were previously protected.
 - b) The objection also states that no evidence of intent to damage or harm trees has been demonstrated.
 - c) The final part of the objection is that it will merely stall progress on the current planning application and that no concerns have been raised by the Tree Officer to the submitted proposals.

3 Appraisal

- 3.1 A letter was sent to WYG to address their objections and explain the TPO more fully. The objection was not withdrawn following receipt of this additional correspondence.
- 3.2 a) The tree report supplied with the planning application has categorised the trees on site and shown their positions on a site plan. The survey is not in accordance with the British Standard BS5837:2012 and the categorisation of trees is not consistent with the guidance therein. In several cases, trees have been categorised as U (not suitable for retention) where they do not qualify under that category. However, the survey does provide an overview of the tree stock. 'Category D trees' are not listed within the Standard.
 - 3.2.1 The trees were not previously protected, as they have not been at risk. The proposed development, if approved will place pressure on any retained trees. For this reason alone, it makes it expedient to confirm the TPO, notwithstanding the risk to the trees during the construction phase.
 - 3.2.2 The site layout has not been agreed, negative comments were made by the Tree Officer over impacts to the trees of the proposed development.
- 3.3 b) WYG admit that a tree suffered damage during the site investigations contradicting their objection based on that no trees were damaged during this process.
- 3.4 c) There is no reason the TPO will stall the current planning application; trees are considered in the planning process on their quality not if they are protected or not. That said the layout that was current at the time of the objection, A101 RevC, showed that no existing trees would be retained.
 - 3.4.1 The Tree Officer provided the following comments listing several concerns. These are available on the public access section of our planning search function. They read: *"A tree survey has been supplied that has categorised the trees on site and shown their positions on a site plan. The survey is not in accordance with BS5837:2012 and the categorisation of trees is not consistent with the guidance in the Standard. In several cases, trees have been categorised as U where they do not qualify under that category. However, the survey does provide an overview of the tree stock. The first site layout had a very poor relationship to the retained trees; this has been improved with the amended layout, drawing number A101. However, the layout does not include the tree constraints so the finer relationship to the trees cannot be assessed. A development of this size and with the proximity to important trees requires an arboricultural impact assessment to be submitted so the sustainability of the juxtaposition of development to the trees can be assessed. Trees around the access are generally in poor condition and the categorisation of these are accurate. However, the oak T73 is under categorised and it is not clear if this tree is to be retained or removed."* These concerns were raised prior to making the TPO.
- 3.5 Ideally area TPOs should not be confirmed due to potential future problems with identifying the protected trees. The letter sent to WYG requested the detailed plan of the tree locations that they have surveyed to enable the TPO to be confirmed with modification, identifying the trees as individuals and groups. As this information has not been forthcoming nor is the site layout

agreed the TPO can only be confirmed as an area order and varied in future when the layout is agreed.

4. Recommendation

That the Tree Preservation Order: TPO 648 Land to the West of George Manning Way, Gowerton, Swansea (2018), be confirmed without modification.

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