

COMMITTEE:	Planning Committee
DATE:	26 November 2012
TITLE:	Temporary Tree Preservation Order (TPO) A92 – land between Sackville Road and Deiniol Road, Bangor
PURPOSE OF THE REPORT:	To consider confirmation of the TPO on the above site
AUTHOR:	Aled Davies, Head of Regulatory Department
RECOMMENDATION:	The committee is requested to confirm the order with amendments as noted in the report

1. BACKGROUND

- 1.1 A temporary Tree Preservation Order was issued on an area of trees at the location shown on the enclosed plan on 7 September 2012, following an emergency assessment by the Council’s Biodiversity Unit. This was in response to planning application number C12/0059/11LL to construct a new four-storey building to include a restaurant and ancillary services, including a bar and provision of hot food take-away on the ground floor with 25 one and two bedroom living units provided on the upper floors, along with creating a new vehicular and pedestrian access, 19 parking spaces, clearing the site including felling trees and landscaping the site. Planning application number C12/0059/11/LL is also on the agenda of this Planning Committee.
- 1.2 It was considered that issuing a tree preservation order on the site is appropriate as there is a foreseeable threat to the trees as a result of the planning application being submitted. Following consultation with the Biodiversity Service, we are of the opinion that the amenity value of the trees should be given due consideration in the decision making process, especially as it is proposed to fell trees on the application site.
- 1.3 An assessment was undertaken of the trees using the TEMPO system and the trees scored 17 points out of 25. The TEMPO system notes that any tree that scores more than 16 points certainly merits consideration of its preservation.

2. LOCATION AND DESCRIPTION

- 2.1 The trees are located on a triangular plot of green land between Sackville Road and Deiniol Road in the centre of the city of Bangor. There is a mixture of trees on the site and their condition varies from fair to good. It is considered that the site is in a prominent place in the city centre and the trees themselves make an important contribution to the amenities of their surrounding area.

- 2.2 A previous tree preservation order (A74) was issued on the trees in 2003 whilst a planning application for the development of the land, as part of a wider scheme on adjacent land to the site on the field of Bangor Football Club, was being considered. At that time, the order was not confirmed by the Council as a result of approving the development of the land, however, the land was not developed and the order on it terminated after a period of six months.
- 2.3 It should be noted also that a more recent planning permission was granted in 2009 on the site and a wider area of land for a mixed development of retail units, leisure facilities, student units and a restaurant. However, this planning permission is not extant as the retail development on the allocated land has been replaced by a yet more recent planning permission for a retail food shop and the site which was the subject of the temporary TPO did not form part of that application.
- 2.4 Currently, a temporary area preservation order has been issued on the trees and a memo was received from the Biodiversity Service on 17 October 2012, asking the Planning Service to consider confirming the TPO. A detailed inspection of the trees has now been undertaken and it is recommended that the order should be amended from preserving an area of trees to an order preserving a group of trees and individual trees. The group of trees and the individual trees are noted in the amended attached schedule and plan.

3. EXTERNAL OBSERVATIONS

- 3.1 In accordance with statutory requirements, the nearby residents who are likely to be affected by the TPO were consulted, along with the owner of the land and the local Community/Town Council and they were given a period of 28 days to respond.
- 3.2 No response was received from Bangor City Council or from adjacent properties but the land owners have submitted an objection to the TPO. Additionally, a third party, who was eager to see the trees being safeguarded, was informed but no response has been received to the notification given to him.
- 3.3 It is understood that the site which is the subject of the TPO is owned by three different companies and they have asked the Council to consider the objection as three separate objections although only one letter was submitted on behalf of the three companies. In summary, the objections fall into four main points, namely:
1. The majority of trees on the site are safeguarded by the existing tree preservation order, dated 1 April, 2003, and there is no need to issue a new order;
 2. Several planning applications have been approved since the previous order (A74) was confirmed in 2003 and each one of those permissions included the

fellings of trees, which means that the Council accepts the importance of re-developing the site, despite the existence of a tree preservation order on the site;

3. The trees are not of great value, specifically those which are the subject of the existing temporary TPO, as confirmed by the Arboriculture Statement prepared by Cheshire Woodlands Arboricultural Company and the three companies therefore do not consider the need to add another order on the land; and
4. The Biodiversity Unit has submitted its observations on application number C12/0059/11/LL, confirming that development on the site should not be prevented by the existing TPO, provided that one tree is preserved and that heavy standard trees are planted to replace those that are to be felled.

4. ASSESSMENT

- 4.1 As a result of receiving the objections to the existing TPO, the Council's Biodiversity Service submitted a formal response to the points submitted by the developers. It is confirmed that the order issued on the trees in 2003 does not continue to be enforceable as the Council did not confirm the order within a period of six months. Therefore, it is appropriate to issue a new temporary order on the trees whilst the current planning application is being considered. Otherwise, the developers would be free to fell the trees before a decision is reached on the planning application.
- 4.2 It should also be noted that no mention has been made of the previous tree preservation order since the original planning application on the site was approved by the Council and no mitigating / compensatory measures have been included for the trees when considering more recent developments on the site, until the current planning application was submitted for consideration.
- 4.3 Previous planning applications and planning permissions have included this site as part of wider plans. The situation which we have now is a specific application for this land only. Following submitting application number C12/0059/11/LL, it was decided that the trees on the site deserved an emergency assessment to establish whether or not they merited a tree preservation order and they scored above the required threshold for that.
- 4.4 The developer has commissioned a tree report which was submitted with the current application in order to survey the trees, advise on whether they should be removed or retained and managed when considering the proposed development on the site. The report does not assess whether the trees are suitable for preservation. It also states that the trees are not of a high amenity value. Although very little management work there has been undertaken on them, if at all, since the original

order was issued on them in 2003, they have received a higher score than the required threshold for considering issuing an order. This is because:

- The need to safeguard the trees from being removed because of the substantial impact on the public's enjoyment of the trees;
- They are visible from public vantage points;
- They contribute to the local landscape;
- They assist in screening some eyesores;
- There is a high value to the trees as a group and they include good mature trees; and
- They are not dead or dying trees or hazardous.

4.5 With better management of the site, it is considered that the health and value of the trees would thrive. The developer himself states "*Loss of some very mature trees but they are in desperate need of management.*" The report also suggests that the trees that are to be planted to replace those felled are unlikely to be the same species of trees because of the need for them to be pointed in shape. It is also stated "*The removal of all trees from the application site and the impact on the neighbouring sycamore trees can be mitigated in part by the provision of new landscaping*", which suggests that it will not be possible to fully compensate if the existing trees are felled.

4.6 It is also considered that the score given in the report for retaining the trees and their visual prominence is too low and there is insufficient detail within the report on how the score has been calculated.

4.7 The objectors have also referred to the observations of the Biodiversity Officer on the current planning application but it should be noted that there is nothing in those observations which states that the trees do not merit a trees preservation order being issued on them.

5. CONCLUSIONS

5.1 It is obvious that there is a high amenity value to the trees because of their contribution to the appearance of Bangor city centre and, therefore, it was appropriate that a temporary order was issued on them and a score of 17, using the TEMPO system, confirms this.

5.2 The Committee is requested to confirm the order with amendments, as noted in this report, so that the amenity value of the trees is given due consideration when deciding on the planning application, which is also submitted before the Committee. It is considered that the objections received do not outweigh the importance of the trees to the appearance of the townscape or present sufficient reasons to prevent confirming the order. Of course, should the Committee approve the planning application, then this would outweigh any preservation order on the

trees and would allow their felling in accordance with the trees report submitted with the planning application.

6. CONFIRMATION PROCESS

6.1 The Committee has four options having considered this report and the objections and observations received, namely:

1. Confirm the order as it stands, without amendments
2. Confirm with amendments, namely amend the order from preservation of an area of trees to an order that preserves a group of trees and individual trees;
3. Not confirm the order;
4. Conduct a public inquiry

6.2 The Committee is recommended to accept option 2 in this case and to include the amendments appended to this report.

7. RECOMMENDATION

7.1 To confirm the order with amendments to the attached schedule and plan in order to ensure that a group of trees and individual trees are the subject of the order in its final form.