

APPLICATION NO: 19/01779/CONF	OFFICER: Miss Ann Holdstock
DATE REGISTERED: 6th September 2019	DATE OF EXPIRY: 6th March 2020
DATE VALIDATED: 6th September 2019	DATE OF SITE VISIT: 1 st August 2019
WARD: St Pauls	PARISH:
APPLICANT:	Lidl Great Britain Ltd
AGENT:	n/a
LOCATION:	27 - 33 Swindon Road, Cheltenham, Gloucestershire
PROPOSAL:	Confirmation of TPO 775, 4 Cedar trees at 27-33 Swindon Road

RECOMMENDATION: Order is Confirmed



1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 27-33 Swindon Road is the former Matalan site, there is a current planning application (19/01285/FUL) from Lidl Great Britain to redevelop the site. This application is to decide whether to confirm the new Tree Preservation Order created on the four Cedar trees fronting on to Swindon Road.

2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

Constraints:

Core Commercial Area
Conservation Area

Relevant Planning History:

87/01197/PC 26th November 1987 REF

30 Swindon Road Cheltenham Gloucestershire - Change Of Use From Light Industrial To Wholesale Electrical Outlet

10/01267/CACN 31st August 2010 NOOBJ

4 x Cedar on south side of Matalan building - crown lift by 2m from ground level.

19/01285/FUL PCO

Sub-division of existing Use Class A1 retail unit to create two Class A1 units, internal and external refurbishment of building to provide new entrances, shopfronts and other openings, re-cladding elevations, relocation of delivery dock and plant area, re-arrangement of car park and associated works following minor demolition works to the existing building and removal of existing trees and hedges.

3. POLICIES AND GUIDANCE

Policy GE5

The Borough Council will resist the unnecessary felling of trees on private land and will make Tree Preservation Orders in appropriate cases.

4. CONSULTATIONS

Letters were sent to the Ward Councillors, the Parish Council and Cheltenham Tree Group.

5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	8
Total comments received	0
Number of objections	1
Number of supporting	1
General comment	0

- 5.1 Three site notices were erected but neighbours were not written to as part of the TPO creation as the trees do not overhang any boundaries and as such neighbours do not have any pruning rights over the trees.

5.2 Comments Received

An objection to the Tree Preservation Order was received from Lidl Great Britain. The objection is attached.

Cheltenham Tree Group objected to the planning application at this site as it involves the removal of the four cedar trees. It is therefore not unreasonable to conclude that they would support the creation of the Tree Preservation Order to protect these trees.

The Tree Group comments for **19/01285/FUL** are as follows :

'The Cheltenham Tree Group would strongly object to this planning application insofar as it concerns the felling of four cedar trees. This part of Swindon Road has a great paucity of trees and here we have four healthy specimens, none posing a potential safety risk or evident damage to property, with three of them quite young and many future years before them to make their contribution to the air quality of a road with a heavy amount of traffic purely for what appear to be purely commercial reasons.

One might wish that the oldest tree was not growing at such an incongruous angle for no obvious reason but some judicious pruning would increase its aesthetic appeal and its size means it is making a larger contribution to reducing the carbon footprint than the others.

Admittedly they may look isolated and the fact that they are the only conifers in the vicinity may make them seem incongruous, but they should be seen as trailblazers for a tree deprived area urgently needing more trees whenever an opportunity presents itself. '

6. OFFICER COMMENTS

6.1 Determining Issues

- 6.2 Planning application 19/01285/FUL was validated on 2nd July 2019 to redevelop the current Matalan site at 27-33 Swindon Road. Within this application tree removals were proposed and the Trees Section was consulted to comment on the proposals.

- 6.3 Several trees on the site were proposed to be removed; many of these are low quality trees which were intended to be replaced. However the four cedars fronting

on to the car park and Swindon Road were also proposed to be removed. Tree Officers considered these trees worthy of a Tree Preservation Order to protect them from such proposed felling.

- 6.4** To aid the evaluation of the tree's worthiness of a TPO, a tree evaluation method for Tree Preservation Orders (TEMPO) assessment was undertaken. The tree was scored by Tree Officers as 'TPO defensible'. TEMPO is a widely used system in the industry by Trees Officers as a tool assisting decision making of TPO worthiness.

6.5 The site and its context

- 6.6** These trees are situated to the South of the current Matalan building on a bank between the building and the car park. These trees are one of the few green areas along this stretch of Swindon Road and can be seen clearly by any vehicles driving past or waiting at the nearby traffic lights. These are evergreen trees and as such provide amenity throughout the year. Whilst trees of this species can live for hundreds of years, previous management of these trees has impaired their form and as such reduced their lifespan. That being said these trees could be retained in this location for at least another 20 years.

6.7 Design and layout

- 6.8** The trees are adjacent to the side elevation of the Matalan building, this elevation is to be redeveloped and the trees in their current location would conceal this. The trees are at the top of a sloped border between the building and the car park with a path and steps separating the four trees into two pairs. There is another smaller tree within this border, a Norway Maple which has been suppressed by these trees and as such has a 'one sided' canopy, this Norway Maple is not being proposed for protection as part of the Preservation Order. There are also other low lying shrubs in the border.

6.9 Impact on neighbouring property

- 6.10** These cedar trees can be seen along Swindon Road and are one of a very limited number of green areas along this stretch of the road. Apart from the visual amenity these trees provide they do not have any impact on neighbouring properties as they do not overhang any boundaries and are completely enclosed by the site.

6.11 Sustainability

- 6.12** This species of tree are recognised for their long lifespan, these trees are still fairly young being described as Early Mature. However the form of these trees is impaired and as such their lifespan has been reduced. These trees appear to have been topped before and the most south-westerly tree has a girdling root which may compromise this trees longer term viability.

6.13 Other considerations

- 6.14** In the objection from Lidl Great Britain Ltd. they stated one of the reasons for removing the trees was to reduce the incidence of antisocial behaviour which occurs in the sunken footpath behind the trees. When Trees Officers were on site no evidence of anti-social behaviour paraphernalia could be seen. There are methods other than complete removal of these trees which would reduce the incidence of antisocial behaviour in this area.

6.15 Another objection reason given by Lidl is in reference to the previous Conservation Area application (10/01267/CACN) to crown raise the cedar trees. Tree Officers raised no Objection to this application. When deciding on a Conservation Area Notification Tree Officers have two options; to either not object or to place a Tree Preservation Order on the trees. At the time of this application to raise the canopy of these trees the trees were not under threat of removal or inappropriate management and as such the protection afforded them by being within a Conservation Area was sufficient. However, now there is a proposal to remove these trees, the appropriateness of a Tree Preservation Order to afford these trees more substantial protection was reconsidered.

7. CONCLUSION AND RECOMMENDATION

7.1 These trees provide visual amenity and an important greening in an otherwise urban setting, Tree Officers recommend that the Tree Preservation Order is Confirmed.