



**Bristol Tree Forum Submission in respect of planning 20/06131/VP | T02-Cherry T03-White Birch G04-Mixed Species group T05-Wild Cherry T06-Wild Cherry T07-Cherry Laurel - Fell. | Wyevale Garden Centre Bath Road Brislington Bristol BS31 2AD**

**The Background**

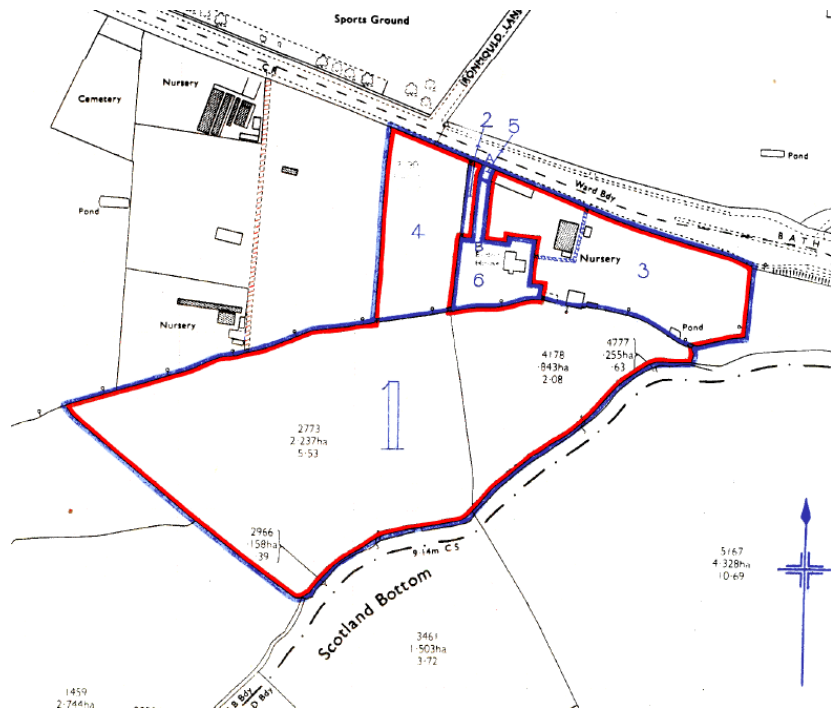
The freehold of Wyevale Garden Centre Plc, Hicks Gate, Keynsham, Bristol (BS31 2AD) is owned by Smar Holdings Limited (R/O Albion Dockside Building, Hanover Place, Bristol, England, BS1 6UT) whose primary purpose is the development of building projects. The company purchased the land in September 2018 for £2.5 million.

It is subject to one registered, unexpired short-term lease as recorded in Land Registry title AV18176:

**Schedule of notices of leases**

	Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
1	21.07.2006 edged and numbered 1 in blue (part of)	part of the Wyevale Garden Centre, Hicks Gate	22.10.2003 5 years from 22.10.2003	
2	26.11.2019 Edged and numbered 3 in blue (part of), 4 (part of)	Part of Keynsham Garden Centre	31.10.2019 A term of 5 years beginning on and including 31 October 2019 and ending on and including 30 October 2024	

NOTE: The lease comprises also other land.





The piece of land upon which the trees which are the subject of this application grow (numbered 3 in the plan above) is leased for five years until 30 October 2024. The identity of the lessee is unknown. The site appears to be unoccupied at the moment.

This application has been submitted by one Wright of Silverback Arboricultural Consultancy of Iron Acton. They declare that they are not an agent acting on behalf of the applicant and that they do not own the trees which are the subject of this application. The identity of the owner is not given, but we assume it is Smar Holdings Ltd.

Silverback Arboricultural Consultancy is the author of the partial arboricultural report upon which this application is based. The substantive report this is based on was prepared in March 2020 in support of an earlier, failed application under planning number [20/00574/F](#). This application was made on behalf of one John Rooney of Stokes Morgan Planning Ltd. We assume that this is the company behind this current application as it seems unlikely that Silverback Arboricultural Consultancy has any proprietary interest in this site. We invite the planning authority to clarify who the true applicant is before allowing this application to proceed further.

The site is in the Green Belt but was identified in the last published version of the draft Local Plan as suitable for future development.

The applicant declares that the trees are protected by a Tree Preservation Order (TPO) though the TPO number is not given. The Council has no record of the TPO on its mapping service, though we understood that one was made after many trees were clear-felled on the site in the early part of 2019. We have asked for details of the Order.

### **The application of BTRS**

The applicant has identified 13 trees which he wishes removed. Eight of these are in a group but their stem diameters are not given because they are said to be 'too small to calc.'. Their canopy covers an area of about 150 square metres. We have calculated that the 13 trees have a [CAVAT](#) value of £178,462. Taken together, all 13 trees provide tree canopy cover of some 288 square metres.

The only reason the applicant gives for removing the trees is to create a storage area. The storage area's design and specifications are not described (and there is ample existing hardstanding available for a storage area to be set aside anyway). We assume that the applicant plans to undertake the work under permitted development rights.

Be that as it may, we submit that this application is subject to the requirements of the Council's Core Strategy Policies, BCS9 and so it is necessary to apply the provisions of the [Bristol Tree Replacement Standard](#) (BTRS). As a BTRS calculation is based on the stem diameter, it is incumbent on the applicant to provide this data for all trees he proposes to remove.

As this has not been done for these eight grouped trees, we have assumed that each has a stem diameter of 15 to 20 cm. On this basis we calculate that, under BTRS, the applicant would be obliged to provide for 20 replacement trees to be planted.

### **The impact of TPO legislation**

Even if BTRS were not to apply, [S206 of the Town and Country Planning Act 1990](#) requires that, when a TPO tree is removed, it should be replaced in the same location as the tree removed or as close as possible.



## Our Submission

We cannot agree that any of these trees should be allowed to be felled, especially considering the March 2019 tree-felling incident. This Google Earth image made in April 2018 vividly illustrates how the site looked before most of its trees were clear-felled:



*Figure 1 The site in April 2018 (Google Earth)*

Since then, nearly all the mature trees, poplars, that grew on the boundary to the southwest of the old garden centre buildings and in the field beyond have been destroyed. This is how the scene of destruction looked immediately after the felling occurred:



Figure 2: 08 March 2019 - Looking south from the carpark



Figure 3: 08 March 2019 - Looking southwest from the fence behind carpark



Figure 4: 08 March 2019 - Looking south from the fence behind carpark

Consequently, this group of trees is almost the last of the trees remaining on the site which are not confined to its boundaries. This is how the site looks now:



Figure 5: Google Maps view taken some time after March 2019



Given this history, and particularly because the proposed development is on Green Belt land and the trees under consideration are protected by a TPO, the proposed storage area, by virtue of its disproportionate impact on the little green infrastructure that remains, fails to respect the already much diminished characteristics of the landscape and its surroundings.

Furthermore, in the absence of evidence to the contrary, the proposed development will have significant harmful impacts on the connectivity and function of the Wildlife Corridor which the development sits within. The development has not been informed by appropriate survey works and subsequent assessment of impacts and fails to maintain, protect, or enhance the wildlife corridor. As such the development is contrary to Policy BCS9 of the Bristol Local Plan: Core Strategy (2011) and Policies DM15, DM17 and DM19 of Site Allocations and Development Management Policies.

We repeat the conclusions of the Planning Inspector in their decision of 17 December 2020 (Appeal Ref: APP/Z0116/W/20/3252071) when the appeal against the decision of the planning authority under planning number [20/00574/F](#) was rejected and submit that the same conclusion should be drawn in this case:

*The proposed development would constitute inappropriate development in the Green Belt and would harm its openness. Paragraph 144 of the Framework places substantial weight on any harm to the Green Belt. Additionally, paragraph 143 of the Framework states that inappropriate development should not be approved except in very special circumstances. I have also found that the proposed development would harm the character and appearance of the area as well as wildlife and would conflict with the development plan.*

We urge the Planning Authority to reject this application. To permit this application would be to add insult to the egregious injury to the site done in 2019 and would allow the true applicant (whoever that might be) yet again to ‘drive a coach and horses’ through planning law.

**Bristol Tree Forum**

**January 2021**