

TREE PRESERVATION ORDER REPORT



Application Number TPO 530 | Plymbridge Road

Date Valid

Item 01

Ward PLYMPTON ST MARY

Site Address Hillborough, 1 Plymbridge Road, Plympton

Proposal Objection to Tree Preservation Order no.530 1 Plymbridge Road.

Applicant

Application Type

Target Date

Committee Date 14/1/21

Decision Category

Case Officer Jane Turner

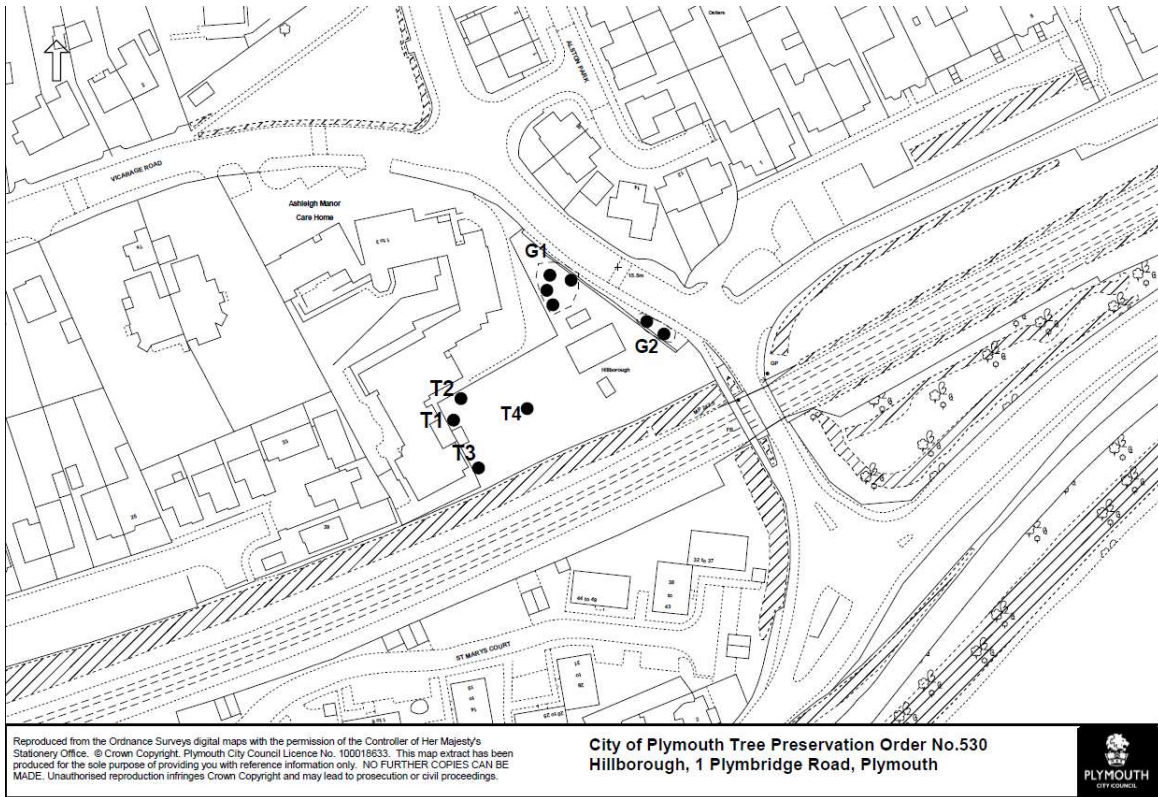
Recommendation To confirm TPO 530 with modifications

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I. Background and description of site

- 1.1 Under delegated authority in January 2020 a 'blanket' area Tree Preservation Order (TPO) was placed on the site at Hillborough, 1 Plymbridge Road, Plympton (TPO No. 524A) following a request from a local resident concerned that the site may be cleared for development.
- 1.2 Central Government advises that where possible emergency area orders are reviewed within the 6 month period of the order being made, as appropriate, with woodland, group and/or individual protection. Access was arranged to resurvey the neglected overgrown site and it was decided that several individual trees and two groups of trees were worthy of protection.
- 1.3 A new order TPO 530 was subsequently made to replace TPO 524A, on the 20th July 2020 which is the subject of this report.
- 1.4 The site is currently occupied by a bungalow set within a large garden. The bungalow is located on the eastern part of the site with the railway line to the south and a care home off Vicarage Road to the north and west. The site contains several significant trees: of particular note is a mature Yew along with younger Beech and Sycamore. A new owner

has recently cleared the site of shrubs and self-sown trees which dominated the garden and renovated the bungalow.



Tree Preservation Order No. 530 map showing location of trees

- 1.5 The trees are a prominent feature and make a contribution to the visual amenity of the local area being visible from the adjacent main road. Four individual trees and two groups were selected for protection, they included a Yew, two Sycamores, a Holm Oak, a group of 2 Beech and 2 Sycamores on the Plymbridge Road frontage and a Sycamore and Hawthorn on the same road frontage.
- 1.6 Objections to the Order have been received from the new site owner that, despite attempts to discuss, remain unresolved. In accordance with our delegated procedures this report has been prepared for the Planning Committee to decide whether or not to confirm the order subject to modifications.

In addition to the objection to the order an application to:-

- fell T2 and T3 (Sycamores).
- remove 2 stems of Sycamore that is part of G2 and;
- fell a Copper Beech in G1 and trim the Yew T1

has been submitted on behalf of the new site owner by an Arborist Contractor RJ McNeil.

- I.7 The application to fell/trim was invalid and as no further information was provided has since been returned to the applicant's Arborist Contractor Mr RJ McNeil. As this TPO 530 will expire on the 20th January 2021, the owner has been advised that the matter relating to the confirmation of the TPO should be concluded first before another application for tree works is made.



TPO 530 view of GI from Plymbridge Road taken July 2020



TPO 530 view of GI from Plymbridge Road showing the four trees (2 Sycamore and 2 Beech) making a group December 2020



View of T3 Sycamore ,TIYew and T2 Sycamore from within the site located to the right of the photo in July 2020



View of T3 Sycamore ,TIYew and T2 Sycamore from within the site December 2020



View of G2 Sycamore from Plymbridge Road part of G2 taken July 2020.



View of G2 Sycamore and Portuguese Laurel from within the site taken December 2020

2. Pre-application enquiry

N/A

3. Relevant correspondence/history (available on request)

Tree Preservation Order No. 524A

Tree Preservation Order 530

e-mail requesting Tree Preservation Order

Letter of objection to TPO and tree report from RJ McNeil Arborist Contractor

Tree Preservation Application for work to the trees

4. Consultation responses

See below

5. Representations

Objections

The objection from the new site owner relates directly to the findings of his Arborist Contractor RJ McNeil's report summarised below:

- Sycamore (T1 on tree report) part of **G2** - remove two primary stems over road and leave main stem
- Laurel (T2 on report) part of **G2** identified incorrectly as Hawthorn on TPO – crown raise over road and pavement
- *2x Oak next to railway boundary (not covered by TPO)*
- Sycamore (T5 in report) **T3 of TPO** – fell due to proximity to adjacent care home
- Yew (T6 on report) **T1 on TPO** – brace and trim back from home
- Sycamore (T7 on report) **T2 on TPO** – fell due to bark death
- Beech (T8 on report) part of **G1 on TPO** - retain
- Copper Beech (T9 on report) **part of G1 on TPO** – fell as it is suppressed/unbalanced
- Sycamore (T10 on report) **part of G1** – crown raise over pavement and road
- Sycamore (T11 on report) **part of G1** – crown raise over pavement and road

Support

A request for a TPO to be made was received in writing which is summarised below :-

- *this request to be urgent as with any development many mature trees may be under threat of felling besides the rest of the site being cleared.*
- *this area of Plympton has a history of flooding on lower slopes and roads every tree makes a contribution to alleviating such concerns.*
- *It is also one of the few small habitats left in this very busy and built up area, and this swathe of green also helps to mask the noise and unattractiveness of the railway line running alongside this site.*
- *I am also keen to avoid a very recent scenario that occurred in Golden Square, Colebrook, whereby land was bought without local knowledge and developers came early one morning and gutted the site of trees, bushes, hedges and banks with no planning permission and during peak bird nesting time. No one had time to question or protect this land.*

6. Relevant Policy Framework

Plymouth's Plan for Trees

Protect – We will *protect* Plymouth's special trees and woods for future generations:

- Identify existing tree cover and its condition across the city to understand the variety, number and quality of trees within Plymouth
- Maintain an updated record of the extent and make-up of Plymouth's trees and woodlands;

- Update, review and create new strategies and guidance to ensure that trees are an important element of the sustainable growth of the city;
- Use all available planning and forestry legislation and powers to safeguard Plymouth's trees.

DEV28 Trees, woodlands and hedgerows of the Joint Local Plan.

Development that would result in the loss or deterioration of the quality of:

Ancient woodland, aged or veteran trees or impact on their immediate surroundings;
Other woodlands or high amenity trees including protected trees;
Important hedgerows including Devon hedgebanks; will not be permitted unless the need for, and benefits of, the development in that location clearly outweigh the loss and this can be demonstrated.

Development should be designed so as to avoid the loss or deterioration of woodlands, trees or hedgerows. If the loss of trees, woodlands or hedgerows, cannot be avoided, new native and locally appropriate trees and hedgerows will be secured as mitigation to ensure they contribute to a 'net gain'. Mitigation should be delivered on site, but if this is not achievable, offsite compensation will be required to provide a net gain in canopy cover in line with local standards.

7. Analysis

7.1 Outlined below is the Natural Infrastructure Officers response to the objection.

- A Tree Preservation Order assessment form was used to decide whether or not the trees were worthy of protection. The form considers visual amenity, tree health, impact on surrounding structures and special factors such as age, habitat and climate change. The matters raised in the Arborist Contractors report relate solely to individual tree structure/health and proximity of adjacent property.
- The Council's Natural Infrastructure Officer who carried out the assessment did so without the benefit of the site being cleared of over grown shrubs/laurel etc. and could not access the trees easily to assess in detail their condition. The Natural Infrastructure Officer visited the site again in December and agrees with the owner's Arborist Contractor that one of the trees identified above with bark death (T2 of the TPO) is in poor condition and should not be included in the order.

7.2 However the reasons given to justify the removal of two other trees:

- a Copper Beech in G1 of the TPO and
- a Sycamore on the western boundary with the Care Home (T3 of the TPO) are not considered to be justified.

7.3 The Copper Beech was included in the TPO as part of a distinct group of trees with interlocking canopies consisting of 2 Sycamore and 2 Beech. The owner's Arborist Contractor states the Copper Beech is suppressed and unbalanced. When trees grow as a group they will inevitably have asymmetric crowns and appear unbalanced as they have grown together as one unit. This does not justify their removal. It is accepted that the 4 trees in G1 may not be fine individual specimens, however they have group value and presence on the road frontage hence the reason they were protected as a group and not individuals. Some pruning of the Sycamores to give the Copper Beech more space would be another option rather than to fell.

7.4 The Sycamore (T3 on the TPO) was protected as an individual as it has a distinct crown separate from the Yew. It is close to the adjacent Care Home but no objections to the TPO have been received from the Care Home. It is considered that any issues with branches touching the roof can be overcome by appropriate trimming rather than removal and that this tree should remain. An application to carry out pruning is unlikely to be refused.

Other matters

- It is acknowledged that a misidentification took place of a tree in G2 – a Hawthorn should be a Portuguese Laurel.
- T4 on the TPO map, a mature Holm Oak in the centre of the site, was removed just prior to the new TPO being served.
- The woodland trust has a useful summary of the Sycamore:-

Having been introduced to the UK in the 17th century, sycamore is particularly tolerant of 'sea spray' and may be planted near the coast.

Value to wildlife

Sycamore is attractive to aphids and therefore a variety of their predators, such as ladybirds, hoverflies and birds. The leaves are eaten by caterpillars of a number of moths, including the sycamore moth, plumed prominent and maple prominent. The flowers provide a good source of pollen and nectar to bees and other insects, and the seeds are eaten by birds and small mammals.

7.5 To conclude, a TPO does not prevent the sensible management of a tree and is not an onerous process. It gives the Council control over what works are carried out. It is acknowledged that some modifications to the order now need to be made in light of the owners Arborist Contractors report and these are summarised in the recommendation below. However it is not accepted that there is justification to fell a further 2 trees.

The serving of the TPO does not prevent an owner or neighbour (eg: The Care Home in Vicarage Road) from applying for works to the part of the tree that overhangs their property – the Council is not likely to refuse consent for reasonable pruning works.

8. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

9. Local Finance Considerations

There are no additional financial costs arising from the imposition and administration of the Order that are not included in existing budgets.

10. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

11. Conclusions

It is considered that the objections raised with regard to the TPO do not justify the removal of Sycamore T3 and a Copper Beech in G1. However, it is accepted that T2 is in poor condition and should be removed from the order. Modifications are therefore required before the order is confirmed which are detailed in the recommendation below.

12. Recommendation

To confirm TPO 530 with the following modifications:

- Remove T4 from the map and schedule (tree removed before new order was made)
- Amend G1 to state 1 Sycamore and 1 Portuguese Laurel
- Remove T2 Sycamore from the map and schedule due to poor condition.

14. Conditions

Not applicable