

TREE PRESERVATION ORDER REPORT



Application Number	TPO 538 Land adjacent to 18 Undercliff Road
Date Valid	

Item	01
Ward	Plymstock Radford

Site Address	Land adjacent to 18 Undercliff Road, Plymouth		
Proposal	Objection to Tree Preservation Order no.538 Land adjacent to 18 Undercliff Road.		
Applicant			
Application Type			
Target Date		Committee Date	11/11/21
Decision Category			
Case Officer	Jane Turner		
Recommendation	To confirm TPO 538 without modification.		

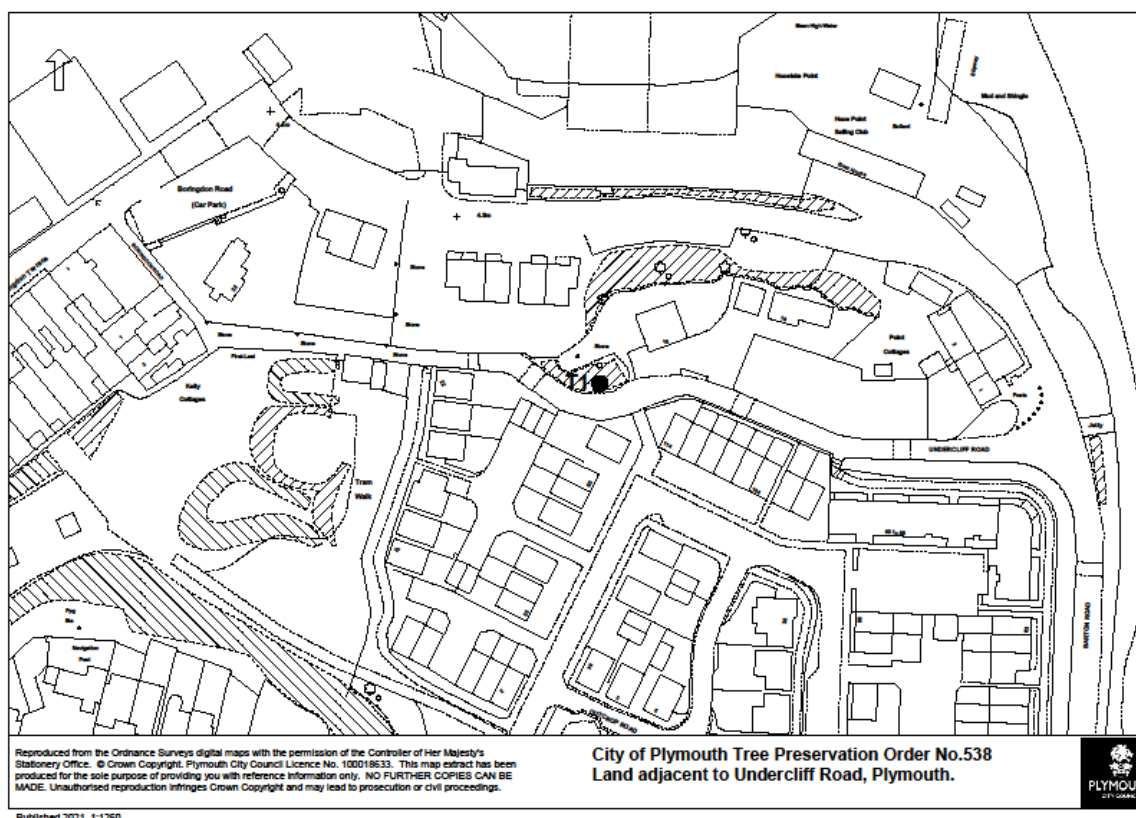
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I. Background and description of site

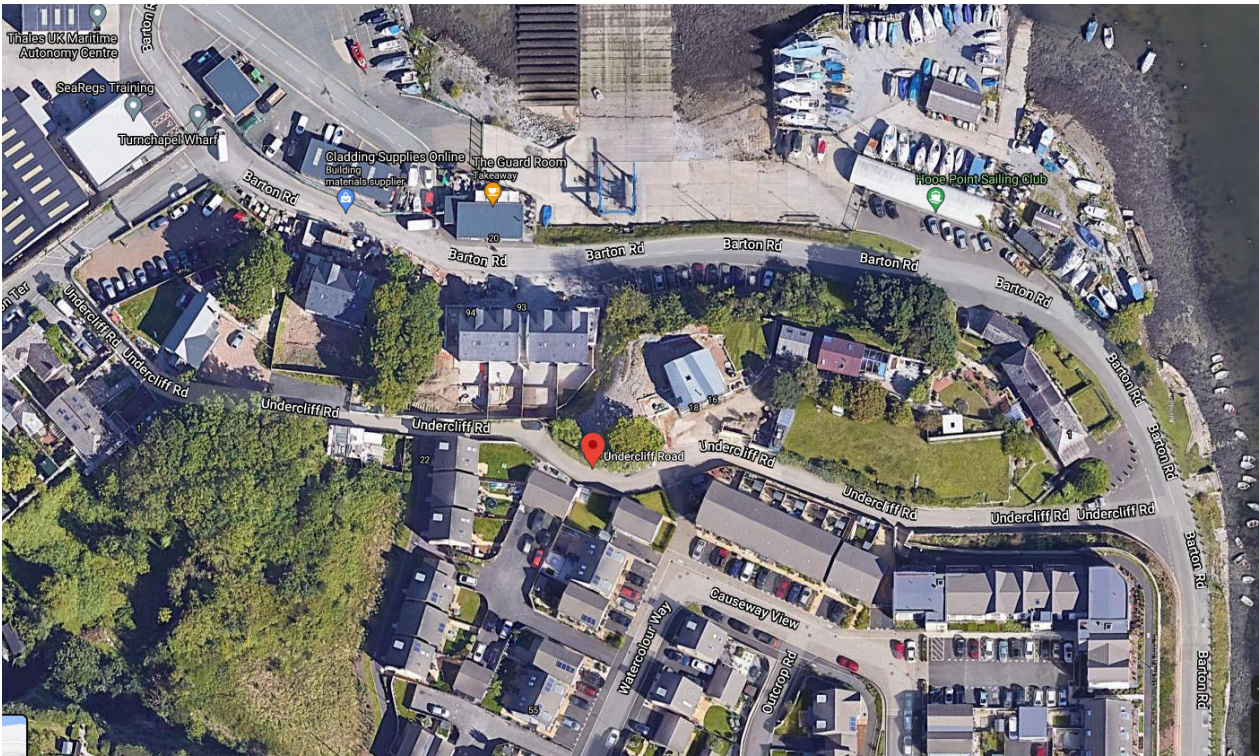
- I.1 Under delegated authority in May 2021 a Tree Preservation Order (TPO) was placed on a Sycamore tree on land adjacent to 18 Undercliff Road Plymouth, TPO No.538. The making of the TPO was prompted by a written request from a local resident who had been informed by the owner that he intended to reduce the levels around the tree further which the resident was concerned could harm the root system.
- I.2 The tree is located on a bank to the west of the entrance of a new property at 18 Undercliff Road. The area is bounded to the north by Barton Road at a significantly lower level and new housing. To the south is Undercliff Road and a relatively new housing street called Tram Walk and Watercolour Way and to the west an area of undeveloped land. The site contains a single Sycamore tree.
- I.3 The Government guidance states when it may be expedient to make an order:-
It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of

development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order.

- I.4 The Officer visited the site to assess the tree for a TPO in May and concluded that it was worthy of preservation. It is a prominent feature and makes a positive contribution to the visual amenity of the local area and users of the South West Coast Path. Since the making of the order over 20 e-mails from local residents have been received supporting the protection of the tree.
- I.5 A letter of objection to the Order has duly been received within the objection period from Mr Jon Kiely of J.K. Tree Consultancy on behalf of the owner Eliot Developments (SW) Ltd that, despite responses from both sides, remain unresolved. In accordance with the Planning Committee's Terms of Reference this report has been prepared for the Planning Committee to decide whether or not to confirm the order.



Tree Preservation Order No. 538 map showing location of Sycamore T1



Google aerial photo showing TPO 538 TI to right of red dot



TPO 538 viewed from Undercliff Road taken May 2021 with properties in Tram Road visible in the background



View of T1 from Watercolour Walk/Causeway View



Photo of the interesting multi-stemmed base of the tree taken May 2021



View of tree from Barton Road taken May 2021, tree is in the centre background at the higher level

2. Pre-application enquiry

N/A

3. Relevant correspondence/history (available on request)

Tree Preservation Order No. 538

e-mail requesting Tree Preservation Order

Letter of objection from J Kiely on behalf of Elliot Developments (SW) Ltd.

Over 20 e mails supporting the order from local residents

Various Council Correspondence

4. Consultation responses

See below

5. Representations

Objections

The objections are as follows:

- a) *Serving this Order is not expedient in the interests of amenity, as the tree has limited public visibility, and therefore only low-moderate amenity value. Loss of this sycamore could by no stretch of the imagination be considered a significant impact on the local environment*
- b) *The tree has previously suffered significant root damage – now manifest in its upper crown as dieback. **The tree is in declining condition.***
- c) *The structured tree evaluation systems I have used strongly indicate the subject tree **DOES NOT MERIT A TPO***
- d) *Given the recent site developments **the tree cannot fully mature in harmony with its surroundings.***
- e) *Surrounding development, poor planning and a lack of enforcement has created the perceived “significant contribution” to the street scene. This tree was not considered for previous protection when nearby trees were assessed.*

Support

Over 20 letters/e-mails received supporting the making of the order can be summarised in the phrases below:-

- The tree is an asset to the area and we love to see it every day when we open our curtains
- Known the tree since 1983 and it is in good health
- It supports birds and wildlife
- Can see it from my home in Barton Road it supports wildlife and is flourishing.
- Can be seen from my home in Barton Road and provides amenity to us and to the community
- Iconic tree with visual appeal and increased bird life, on the South West Coast Path
- Large prominent tree next to my property
- Provides amenity to local residents
- Prominent in landscape and contributes to natural character and amenity of area. Gives enjoyment to public, locals and visitors walking along coast path.
- Tree has a wider role in safeguarding the climate/wildlife
- Trees and greenspace are a good thing, a patch of green amongst the grey.
- Benefits of trees to health/climate

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

Outlined below is the Officers response to the objections.

a) Serving this Order is not expedient in the interests of amenity, as the tree has limited public visibility, and therefore only low-moderate amenity value. Loss of this sycamore could by no stretch of the imagination be considered a significant impact on the local environment.

This mature Sycamore is highly visible being adjacent to the South West Coast Path which is well used by locals and visitors to Plymouth and a prominent reference point for local residents living in the area. Since making the order we have received over 20 e-mails from local residents supporting the order. In the Officers view it clearly has high public amenity value and justifies an order.

*b) The tree has previously suffered significant root damage – now manifest in its upper crown as dieback. **The tree is in declining condition.***

It is clear from viewing past Google Street view images that the top of the bank to the north has been lowered and vegetation removed, one broken root was visible at the time of the assessment. It is not possible, without careful excavation of the area, to accurately assess the extent of root damage that may have occurred. Looking at previous Google street view images, it appears that the top of the bank has been levelled however the tree is located at the base. The area to the east was previously an access with hardstand and the levels in this area do not appear to have been significantly altered. It is accepted that there is some slight die back in one specific part of the upper crown but the rest of the canopy appeared healthy at the time of assessment in May.

The objector has been asked to submit any evidence of the significant root damage referred to, this has not been provided to date.

*c) The structured tree evaluation systems I have used strongly indicate the subject tree **DOES NOT MERIT A TPO.***

The assessment criteria that the Council uses is used as a guide and is only part of the process in determining whether a tree will be made the subject of a TPO. The Council's assessment indicated that a TPO would be appropriate.

The score on the Officers assessment sheet is 27 points. Having reviewed the assessment again the Officer has stated that they would now revise their assessment of 'impact on structures' to score 1 due to presence of retaining wall and future management to be 'moderate' not 'low' so scoring 2 not 3. This would result in a revised score of 25 which still justifies a TPO (any score over 23 merits a TPO).

The objector has submitted 2 other types of evaluation forms that are commonly used (Helliwell and CAVAT) to demonstrate that in their professional opinion the tree does not merit a TPO. Inevitably there is a degree of subjectivity when using such assessments which can significantly

affect the score and therefore the outcome e.g.: whether a tree will survive for less than 40 years (score 2) or more than 40 (score 3) alters the score in the Helliwell system from 80 (which does not recommend a TPO is made) to 120 which does say a TPO can be made.

d) *Given the recent site developments **the tree cannot fully mature in harmony with its surroundings.***

The tree is mature and has been retained. It is acknowledged that the development to construct 18 Undercliff Road has altered the trees environment. The tree is located near the base of a slope/bank, however, although the top part of the bank has been levelled to the north (Google street view May 2018) it is not considered that this would have had a significant impact on the rooting area unless evidence is provided to the contrary. A retaining wall constructed to the east may have caused some minor root damage (Google street view May 2018), however this has been built at the base of the bank where there was an existing entrance and hardstanding (Google street view 2009/2014). If some pruning is necessary to help mitigate any impacts of root damage then permission is likely to be granted for such works.

e) *Surrounding development, poor planning and a lack of enforcement has created the perceived “significant contribution” to the street scene. This tree was not considered for previous protection when nearby trees were assessed.*

Reference to poor planning and lack of enforcement relating to the adjacent developments is a separate matter from the TPO and any concerns relating to these issues should be raised as an enforcement case/enquiry with the Planning Department.

The likely reason this tree was not protected by TPO No.234 which protected several individual and groups of trees in the vicinity in 1991, is because presumably the tree was not considered mature enough at the time (30 years ago) to contribute to the amenity of the area. Its presence and therefore its contribution to amenity has clearly changed since the making of the order in 1991.

7.1 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.

7.2 To conclude, it is clear from the letters/e-mails of representation received that local residents have very positive views on the amenity value and benefit the tree brings to the area. 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 - the Council is not likely to refuse consent for reasonable pruning works. However, it is not accepted that the matters raised justify the removal of the order from this tree.

7.3 There are two options available to the Planning Committee:-

i) To revoke the order – this would result in the loss of a tree to the area.

- ii) To confirm the provisional order without modifications – this is recommended.

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 in relation to the TPO do not justify the removal of the order. Due to its contribution to the amenity of the area, the SW Coast Path, plus the support it has received locally, it is recommended that the order should be confirmed.

12. Recommendation

To confirm TPO 538 without modification