

CITY OF PLYMOUTH

Portfolio and Holder: Cllr. Ted Fry

CMT Member: Anthony Payne - Director of Development

Subject: Objection to Tree Preservation Order
No.469: 2 St Lawrence Road, Plymouth

Committee: Planning

Date: 1st July 2010

Author: Jane Turner- Tree Officer

Contact: 4362

Ref: DC/T1/2/1

Part: I

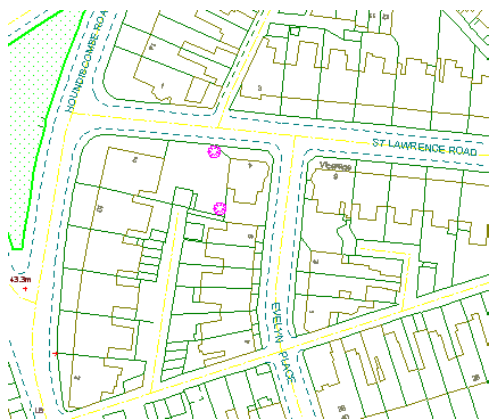
Executive Summary

Background

Under delegated authority, on 29th March 2010, an emergency Tree Preservation Order No.469 was made to protect 2 trees, a mature Copper Beech and a Magnolia within the grounds of 2 St Lawrence Road, Plymouth. The adjacent property, 4/5 St Lawrence Road, wished the Copper Beech to be cut back to the boundary line. The owner has in response to their request pruned the tree to give reasonable clearance between the branches and the building. The neighbouring property still wished to prune it back the boundary line. It was therefore considered expedient in the interest of public amenity that a Tree Preservation Order (TPO) be made as such a reduction would have ruined the amenity value of the tree. TPO No.469 was made to protect the the Copper Beech and a mature Magnolia that it was considered may also be subject to inappropriate pruning. We have received one objection to the making of the order from Urban and Rural Planning on behalf of Thompson and Jackson Solicitors who occupy 4/5 St Lawrence Road, and four in support from nearby properties at Sutherland Road, and Houndiscombe Road and the owner of the trees.

Copper Beech (T2) viewed from Evelyn Place and Houndiscombe Road





Location of trees shown in purple

Objections

The main reasons for objection are summarised as follows and relate to T2 the Copper Beech only (the full letter is available as a background paper):

Urban and Rural Planning Associates on behalf of Thompson and Jackson-

1. *The position of T2 (Copper Beech) is such that views of the tree could only be had from the rear service lane, glimpses between the gable end of Evelyn Place and the rear of 4 St Lawrence Road, views from St Lawrence Road through T1 and from gardens of those properties surrounding the site. Whilst the tree has a degree of visibility it is felt that this is not significant to the wider public realm and consequently the benefit of protecting the tree is limited as a result.*
2. *Beech trees are commonly found in woodlands rather than urban areas. They can occupy significant areas if they are to grow to their full potential. Given the close proximity to the boundary and 2 adjacent buildings it is considered that his type of tree is not ideally suited to the setting.*
3. *There is a large hollow where the stem divides into two that is often filled with water. This will impact on how long the tree will remain in good health.*
4. *The position of the tree would not allow it to develop to full maturity as it would lead to a nuisance for the occupiers of 4 St Lawrence Road and 12 Evelyn Place.*
5. *Public enjoyment of this woodland tree is very limited*
6. *There is potential for impact on drainage and building foundations..*

1. Urban and Rural Planning associates list many places the Copper Beech can be viewed from which somewhat goes against the argument that the tree has limited amenity value. They state that the tree can only be seen from St Lawrence Road through T1 (the Magnolia) – as the Copper Beech is approximately 17m high and the Magnolia approximately 3m high I think the Copper Beech is very visible by virtue of its height and not hidden by the Magnolia. The tree can also be clearly seen from parts of Houndiscombe Road.
2. Copper Beech is **not** a common woodland tree rather a species much planted in gardens and parks for the colour of its foliage. Although the space this tree has to develop a full crown is limited on one side, the tree has existed in this location for at least 100 years and is already mature with, to our knowledge, no significant issues to date.
3. Where the main trunk divides into two is an area that could potentially lead to decay in the future. I have been shown photos of this area and it would

appear that from these that the area is sound at the moment. The condition of this junction needs to be monitored on a regular basis. No evidence of decay has been submitted with the objection.

4. The Copper Beech is already mature being at least 100 years old. Any nuisance it has caused in the past has been dealt with by sensitive pruning and there is no reason that this cannot continue in the future if it again becomes necessary. Any reasonable application to trim the canopy away from the sides of buildings is unlikely to be refused.
5. Public enjoyment of the tree is not in our opinion very limited. Indeed as some of the letters in support summarised below state, the tree has been and still is enjoyed by local residents and users of St Lawrence Road alike.
6. No evidence of damage to drains or foundation has been submitted to date. If such evidence arises then this would be dealt with on its own merits. With respect to affect on foundations one would have expected there to have been some evidence of this over the long period of time the tree has been in existence. With respect to roots infiltrating drains this can happen at any time and is usually due to a defect/crack in the pipe which the roots then exploit. There are alternative options to removing a tree of this size, drains can be sleeved with plastic or carefully replaced with modern pipes which do not allow the ingress of roots.

Summary of letters of support:

Mr Woolley and Catherine Hennessey

The owner of the tree – refers to a report written by Aspect Tree Consultancy that states the Copper Beech undoubtedly provides important public amenity for the immediate area, the tree is a prominent mature specimen visible from St Lawrence Road, Evelyn Place and Houndiscombe Road.

Resident of Houndiscombe Road

'I very much enjoy the sight of both trees from the public lane at the back of my housethe colour of the trees is very handsome and because of its size it attracts lots of birds. I also enjoy the smell of the Magnolia when I walk along St Lawrence Road'.

Resident of Sutherland Road

'I don't know how many times I have walked up and down the street and appreciated the beauty of the Magnolia next to the pavement and the wonderful Copper Beech' 'extremely valuable oasis for insects and birds'

'they should be given long-term protection for everybody's benefit'

The resident also gives detail of all the well documented facts about the environmental and health benefits of trees.

Resident of St Lawrence Road

'We can see the beautiful Magnolia tree directly from our house opposite. Besides the visual beauty of the tree it is regularly visited by a blackbird.....and it also emits a wonderful fragrance when in bloom. We can also see the Beech tree when we walk along Evelyn Place – this is a magnificent specimen, bringing a touch of nature into the vicinity of our city streets which must be appreciated by all those passing by'.

In view of the above analysis and letters of support, it is considered that the objections to Tree Preservation Order No.469 do not justify the Tree Preservation Order being removed from T2 the Copper Beech as requested by the objector. It is therefore recommended that the order is confirmed without modification.

Corporate Plan 2008-2011:

Protecting trees enhances the quality of the City's environment by ensuring long-term tree cover. Trees help to reduce pollution and traffic noise providing cleaner air to breathe thereby helping to achieve the Council's corporate goal to create a healthy place to live and work and accords with its objective to improve health and wellbeing as well as creating a more attractive environment.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land**

The protection of trees by a Tree Preservation Order is a routine exercise for Planning Services. There are no additional financial costs arising from the imposition and administration of the Order that are not included in existing budgets.

Other Implications: e.g. Section 17 Community Safety, Health and Safety etc:
None

Recommendations & Reasons for recommended action: To confirm the order without modification. Reason: in order to protect important trees of high public amenity value.

Alternative options considered and reasons for recommended action:

To confirm the order subject to modification: this would involve removing the Copper Beech (T2) the subject of the objection from the order. Although the Magnolia is a fine specimen, of the two trees, T2 is the tree that has the highest amenity value by virtue of its size and maturity. This is not therefore considered to be an acceptable compromise.

To revoke the order: without a Tree Preservation Order the trees could be removed or have inappropriate works carried out to them without any consent being required from the Local Planning Authority. This would result in the loss of amenity to the local area that has been enjoyed for many years.

Background papers:

Tree Preservation Order No. 469.
Letter of objection
Letters of support

Sign off: Fin: [DevF10110007](#)

<u>Fin</u>		<u>Leg</u>	JR 1131	<u>HR</u>	-	<u>L.P.</u>	-	<u>IT</u>	
<u>Originating CMF Member</u>					-		-		-