

PLYMOUTH CITY COUNCIL

Subject: Objection to Tree Preservation Order No.481:Legacy International Hotel, Marsh Mills, Plymouth

Committee: Planning

Date: 12th January 2012

Cabinet Member: Cllr. Ted Fry

CMT Member: Anthony Payne - Director of Development

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Ref: DC/T1/2/1

Key Decision: No

Part: 1

Executive Summary:

Following enquiries about the protected status of trees inside the boundary of the Legacy Hotel adjacent to Vospers, and an indication that they were proposed for felling, it was considered expedient to make Tree Preservation Order No. 481 to protect the trees. One objection was received on behalf of the owner. It is considered that the reasons for objection, do not outweigh the reasons for making the Order and it is recommended that the Order is confirmed without modification.

Corporate Plan 2011-2014:

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.
<http://www.plymouth.gov.uk/corporateplan.htm>

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. Community Safety, Health and Safety, Risk Management and Equality, Diversity and Community Cohesion:

- None
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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 revoke the Order: Without a Tree Preservation Order the trees it protects could be removed without any consent being required from the Local Planning Authority. This would result in the loss of amenity to the local area.

Background papers:

Tree Preservation Order No. 481.

Statement of objection: **26th August 2011: Mr. C. Dutton, Pryor and Rickett Silviculture on behalf of Mr. Tim Jones of Wessex Projects Ltd.**

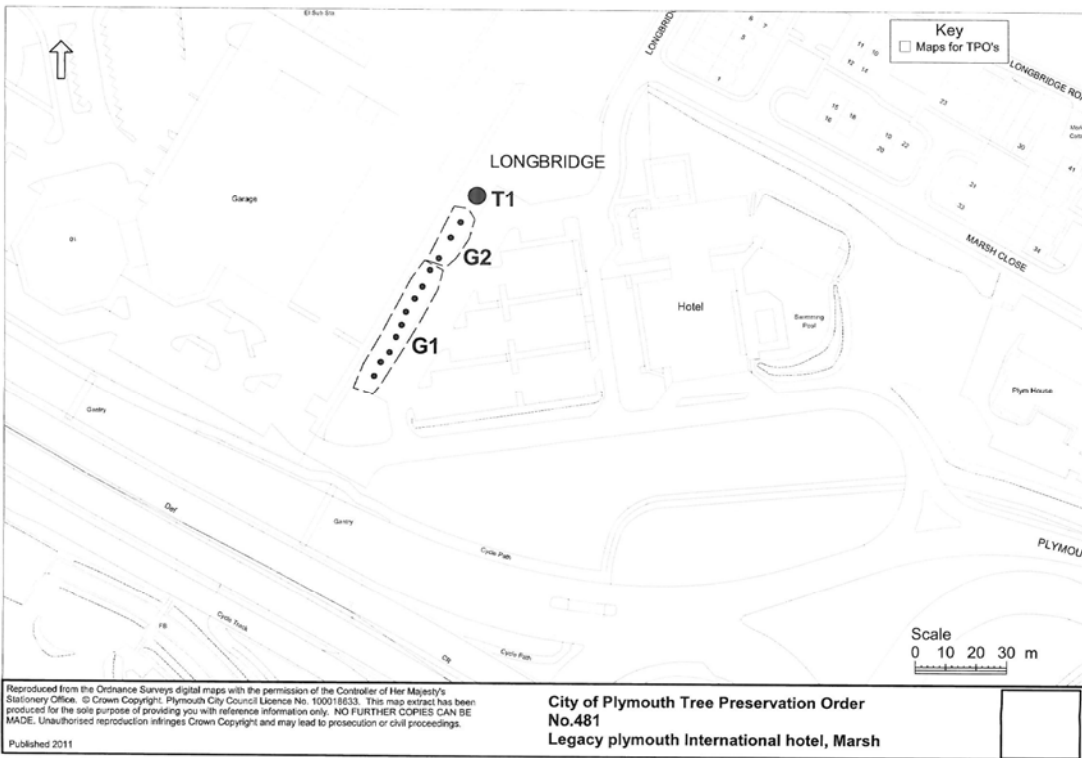
Sign off:

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Originating SMT Member											

Background Report

I. Introduction

- 1.1 Under delegated authority, on 28th July 2011, Tree Preservation Order No.481 was made to protect a twin-stemmed White Poplar, a group of 9 Black Italian Poplars and a group of 3 Silver Birch trees on the boundary between the Legacy Hotel and Vospers at Marsh Mills retail park. A tree surgeon reported that he had been asked to quote for felling the trees to facilitate an extension to car parking space at Vospers.
- 1.2 The Poplars are a prominent feature at one of the main gateways to Plymouth and make a significant contribution to the public amenity of the area, while screening a nearby industrial estate and a large used car centre. Although the group of Birch trees is not as prominent, they still contribute to the amenity of the area and will become even more visible in time as they mature. (Note: within the group of Poplars there are a suppressed Lime tree and a Hornbeam that are not included in the Order.)
- 1.3 It was therefore considered expedient in the interest of public amenity that a Tree Preservation Order (TPO) be made. One objection to the making of the Order was received.



Tree Preservation Order No. 481: Order Map



G1: 9 Black Italian Poplar



T1: White Poplar



G2: 3 Silver Birch

2. Objections

- 2.1 On 26th August 2011 Mr. C. Dutton, Pryor and Rickett Silviculture on behalf of Mr. Tim Jones of Wessex Projects Ltd. Objection to the Order (but did not specifically refer to the Birch trees). An extension of one day to the 28 day statutory objection period was agreed to enable a statement to be prepared and submitted after receiving details of verbal objections by phone
- 2.2 Outlined below is a summary of the objections raised.

Current Guidelines:

- Site levels need to be raised by 1 metre to combat flood risk and this would kill the trees.
- Economic and sustainable development of the site, citing Planning for Growth March 2011.
- Draft National Planning Policy Framework (NPPF)- July 2011
- NPPF guidelines. The Order was imposed to block development despite pre-application process consideration of proposals to develop the site as a non-food retail project.

Tree Species and Spacing

- The White Poplar tree is leaning and could fall over.
- The group of Black Italian Poplar trees is an inappropriate species choice, Lombardy Poplar would have been a better selection.
- Planting location is a raised bank and the trees' roots are restricted. 4 metre spacings have been used contrary to Forestry Commission Guidance.
- The trees' restricted rooting has led to large crowns without adequate supporting root systems.
- Lawn mower damage to surface roots has caused wounds that are suitable for fungal/bacterial colonisation and this has enabled rot to enter the root system undetected. The trees could now fall in the next South Westerly storms.
- The root system of the Poplar trees may be restricted by their situation Also Ash and Sycamore trees in the hedge have confined root systems.

Damage to Services

- Poplar roots are attracted to water.
- Damage to the car park may have been caused by investigation work to the drainage system.
- Poplar roots often find their way into drainage systems.
- It is clear from the evidence on site that the roots of the Poplar are in the drainage system.

The Hedge- (Concerns were raised about the treed hedgerow, which is not covered by the Order)

Landscape

- The trees were planted as a screen, which is no longer appropriate as the industrial landscape has changed and the trees now impede business development.
- The trees have reached maturity and are not suitable for long term retention. The landscape should now be re-evaluated in the context of business requirements.

Message to the Public

- The site is earmarked for re-development and the Council is not in touch with other Council departments, the Council is actively working against local business and the Chancellor's guidelines.

Conclusion

- Wessex Projects Limited engaged in the pre-application process 18 months ago and the significance of the landscape was not mentioned. The conclusion also repeated reasons previously stated.

3. Analysis of Issues

- 3.1 Outlined below is the officer response to the objections. The responses are in the same order as the objections raised in section 2.

Flood risk/Re-development/Planning Policy

- Pre-application discussions were held in January 2010 and considered re-development options.
- Tree retention was discussed and the desirability for the retention of the poplars as a screen/landscape feature was considered.
- Advice to date has been over the principle of development and not specific to the layout.
- When a formal planning application is received all the issues relating to this site will be considered in detail and weighed up in the context of the proposal. These include flood risk, layout, design, tree retention and landscaping. If and when a planning consent is granted, it could override the Order in whole or in part, depending on the outcome of discussions. It could be that other trees not currently protected on the site, are considered for retention in preference to trees protected by the Order, due to their location in a proposed layout. A full evaluation of all the trees will be necessary at this point in accordance with BS 5837 (2005) Trees in Relation to Construction – Recommendations.

Tree species and Spacing

- The White Poplar tree has one stem growing at an angle towards Vospers, however it has added extra 'reaction wood' at stress points to strengthen itself. The 'apparent' lean is not considered significant at present for this reason. Excessive encroachment towards Vospers could easily be addressed by reducing end weight by e.g. 2 metres. This would also reduce loading.
- Species choice: Objections on this basis are subjective. The Poplar trees are suitable for the location.
- Planting location/restricted roots: The trees are not planted on a raised bank and there is adequate space for rooting. Forestry Commission guidance quoted has not been properly referenced and is likely to be more applicable to trees planted for forestry purposes as opposed to amenity plantings.
- Lawn mower damage/root decay: Mower damage is noted, but no evidence of significant root decay has been provided or observed.

Damage to Services

- Poplar roots are not attracted to water as stated, but will proliferate opportunistically when water is present in their vicinity e.g. from an already leaking water pipe
- There is evidence of investigation work in the car park, but this is not believed to be connected to any damage caused by tree roots.
- No evidence has been provided to support the claim that roots from the poplar trees have caused damage to drainage systems.

The Hedge

- The treed hedgerow is not protected by the Order and is not relevant to this report.

Landscape

- The trees still provide a valuable screen and a visual amenity. The landscape will be fully re-evaluated in the context of any future detailed planning proposals.

Message to the Public

- The Order has been made in accordance with normal Council procedures and Department for Communities and Local Government (DCLG) good practice guidance.

Conclusion

- The issue of trees and landscape was raised by the Council during informal pre-application discussions.

4. Overall Conclusion

- 4.1 In view of the above analysis it is considered that the objections to Tree Preservation Order No.482 do not justify the cancelling of the Order. It is therefore recommended that the order is confirmed without modification.