

PLYMOUTH CITY COUNCIL

Subject: Objection to Tree Preservation Order No.482:Culver Close (2), Plymouth

Committee: Planning

Date: 12th January 2012

Cabinet Member: Cllr. Ted Fry

CMT Member: Anthony Payne - Director of Development

Author: Chris Knapman

Contact: Tel: 01752 30 4362
e-mail: chris.knapman@plymouth.gov.uk

Ref: DC/T1/2/1

Key Decision: No

Part: 1

Executive Summary:

Following enquiries about the protected status of 4 Oak trees at Culver Close, it was considered expedient to make Tree Preservation Order No. 482 to protect the trees from potentially damaging and excessive tree surgery. Two objections were received, but one was withdrawn after discussions. It is considered that the remaining objection, from Eggbuckland Community College, does 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

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 group of oak trees could have inappropriate works carried out on them or 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. 482.

Letter of objection **5 August 2011: Ms. S. Walford, Foot Anstey Solicitors on behalf of Egguckland Community College.**

Withdrawn letter of objection **3 August 2011: Mr. D. Johns, 12, Culver Close, Egguckland**

Tree Preservation Order No. 342 (withdrawn)

Sign off:

Fin	DE VFI 112 004 2	Leg	JAR /135 69	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Background Report

I. Introduction

- 1.1 Under delegated authority, on 28th July 2011, Tree Preservation Order No.482 was made to protect 4 Pedunculate Oak trees on the boundary between Egguckland Community College and 12-13, Culver Close, Plymouth. A tree surgeon reported that he had been asked to quote for substantial reduction work entailing excessive pruning that would have diminished the visual amenity of these trees.
- 1.2 The Oaks are a prominent feature and are characteristic of the area, being part of one of the original field boundaries that criss-cross the estate.
- 1.3 The trees make a significant contribution to the public amenity of the area as a group, (although the tree nearest to 13, Culver Close is the most distinct individual) and the group classification was therefore deemed the most appropriate, with the position of individual trees within the group shown for clarity on the Order map.
- 1.4 It was therefore considered expedient in the interest of public amenity that a Tree Preservation Order (TPO) be made. Two objections were received to the making of the Order, one of which was withdrawn after productive discussions.
- 1.5 An Order (No.342) was made on the same trees in May 1998, but was not confirmed based on undertakings to consult the Council about any treework. The circumstances relating to

this Order are considered on their own separate, current, merits.



Viewed from Culver Close



Viewed from Bromhead Court



Map showing location of trees.

2. Objections

2.1 Two objections to the Order were received. The details are outlined below.

3rd August 2011: Mr. D. Johns, 12, Culver Close, Egguckland

Following discussions with Mr. Johns, his objection was confirmed as withdrawn by phone on 8th September 2011.

5th August 2011: Ms. S. Walford, Foot Anstey Solicitors on behalf of Egguckland Community College. Objection to all 4 trees covered by the Order.

2.2 The reasons for Ms S. Walford's objections are summarised as follows:

Procedure

- Copy of Regulation 4 not provided to client

Amenity/Contribution to street scene

- The removal of the trees would not be noticeable and their loss would not be 'a

- significant impact on the local environment and its enjoyment to the public'
- The loss of the trees would only affect 25 homes
- The area is leafy with numerous other similar trees in the surrounding area
- A reasonable degree of public benefit from the trees is questionable
- The trees are common and lack intrinsic beauty despite being attractive
- The trees do not screen an eyesore
- The trees do not warrant individual or group protection

3. Analysis of Issues

3.1 Outlined below is the Officer response to the objections.

Mr. D. Johns

3.2 Mr Johns' objection were withdrawn on 8th September 2011.

Ms. S. Walford, Foot Anstey Solicitors for Egguckland Community College

3.3 Officer responses to Ms S. Walford's objections are outlined below.

Procedure

- The Council's position is that the copy of the Regulation 4 legislation was served correctly in accordance with the Regulations.

Amenity/Contribution to Street Scene

- It has been argued that the loss of the trees would not be significant and that there are only 25 households that would be affected if this were the case and that the public benefit the trees provide is questionable. 25 households equates to potentially over 100 people and in addition visitors could be considered as beneficiaries. Officers consider that this would be a significant number by any acknowledged assessment system e.g. a Planning inspector considering an appeal. However, because the trees are in an elevated location, they are also prominent to all the properties in Bromhead Court below them, as well as further properties across the valley.
- The objection does not consider the benefit from the trees to students at the college or their educational or future value.
- One of the trees is an ancient tree of potentially 400 years age and as such is significant aesthetically, biologically and culturally.
- The objection acknowledges that the area is leafy and that there are numerous similar trees in the area. This serves to demonstrate that the trees are an essential part of the character of the area and that their loss would erode this character. Furthermore, the trees are a part of hedges from the former agricultural landscape and consequently provide a valuable, historical link to the former land use, prior to sub-urbanisation.
- The objection states that the trees are attractive but lack intrinsic beauty. In your officer's view this is contradictory.
- The trees do not screen an eyesore: this was not put forward as a reason for making the Order.
- The trees do not warrant individual or group protection: This has already been considered above under general amenity i.e. the trees have a demonstrable amenity value. The trees have been classified under a group designation as this has been considered the most appropriate description, despite the trees having some individual merits.

- The wildlife benefit of mature Oak trees is widely acknowledged and this is a supporting reason for the Order.

Development Potential

- 3.4 During further discussion with the College's solicitor it became apparent that one of the main reasons for objection was due to potential development opportunities at the College. During discussions officers advised that a planning permission would override the order in the event of consent being granted (for any work immediately necessary to implement the consent) based on the merits of the scheme at the time, after full consideration by the Local Planning Authority. Naturally the outcome could not be predicted at this time and a proposal to gain access through the 2 private gardens adjacent to the trees could potentially involve Compulsory Purchase Orders.

4. 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.