

PLYMOUTH CITY COUNCIL

Subject: Objection to Tree Preservation Order No.484:Parker Close, Plympton, Plymouth

Committee: Planning

Date: 5th April 2012

Cabinet Member: Cllr. Ted Fry

CMT Member: Anthony Payne - Director for Place

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Ref: DC/T1/2/1

Key Decision: No

Part: 1

Executive Summary:

A request was received from the owner of 18 Parker Close to consider making a Tree Preservation Order on a group of four trees (2 Alder and 2 Silver Birch) and an individual Silver Birch located in an area of landscaped land in their ownership to the front of the property. Following a request from the owner of 35 Romilly Gardens that they prune the trees to prevent debris falling onto the property the owners of 18 Parker Close removed one tree and pruned overhanging branches of another. The trees form part of the original landscaping of the estate and have now matured. Other trees planted at the same time have been unsympathetically pruned and it was therefore considered expedient in the interest of public amenity to protect these trees. They are visible to all who use and live in Parker Close and Romilly Gardens and can also be seen from Merafield Road. One objection has been received stating that the order is unnecessary, will not benefit the public or local residents and has been designed to resolve a possible civil issue. It is considered that the objection, from an adjoining property in Romilly Gardens, 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 Tree Preservation Order without modification.

Reason: in order to protect landscape 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 trees and the individual Silver Birch may have inappropriate works carried out to them or if the ownership changes in the future 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. 484.

Letters of objection dated 21st November 2011, 31st January 2012, 16th February 2012 and 5th March 2012: from Mr Honywill (Solicitor Retired) on behalf of Mrs Clapham 35 Romilly Gardens.

Sign off:

Fin	Dev F11 120 068	Leg	JAR /143 97	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Background Report

I. Introduction

- I.1 Under delegated authority, on 31st October 2011, Tree Preservation Order No.484 was made to protect a group of trees consisting of 2 Alder and 2 Silver Birch and an individual Silver Birch in the grounds of 18 Parker Close, Plympton, Plymouth. The owner of the trees had recently removed one tree that was closest to the side of the property of 35 Romilly Gardens and causing shade issues and reduced the branches of another that overhung the same properties garden following a request form the owner of Romilly Gardens that they prune the trees to prevent debris falling onto the property. They did not wish to carry out any further works to the trees and asked that they be protected to enhance the environment and provide a habitat for wildlife.
- I.2 The trees were planted as part of the original landscaping of this estate in a strip of land running the length of the original listed garden wall in the mid 1980s. They have now matured and contribute significantly to the amenity of the local area. Other trees, that are part of the

same landscaping strip but in different ownership, have been unsympathetically reduced in the past and their amenity value has been significantly reduced as a result.

- 1.3 A group designation was considered appropriate for 4 of the trees due to their proximity to one another and a Silver Birch separated from this group due to the removal of a tree closest to 35 Romilly Gardens has been designated as an individual.
- 1.4 It was therefore considered appropriate in the interest of public amenity to protect the remaining 'intact' trees to give the Local Planning Authority control over what works could be carried out in the future. One objection was received to the making of the Order.



GI looking up Parker Close showing poorly reduced trees in the foreground



GI Viewed from cul-de- sac



T1 Silver Birch with 35 Romilly Gardens behind



Map showing location of trees.

2. Objection

2.1 One objection to the Order was received. The details are outlined below.

Mr. AS Honywill, Solicitor Retired on behalf of Mrs Clapham of 35 Romilly Gardens, Plymouth

2.2 The reasons for Mrs Clapham's objections are summarised as follows:

- The order is unnecessary
- The order would only benefit the occupiers of 18 Parker Close and not the general public or local residents
- The making of the application appears to be designed solely to try and resolve a possible civil (contractual) issue as between the occupiers of 18 Parker Close and Mrs Clapham which was never the intention of the statutory power given to the Local Authority.
- Concern that the trees may damage the listed garden wall and about debris from the trees falling onto Mrs Clapham's property

3. Analysis of Issues

3.1 *The order is unnecessary:* the Local Planning Authority does not consider the order to be unnecessary. We are advised by Central Government not to rely on planning conditions to ensure the long term retention of trees within development and to make the use of Tree Preservation Orders where appropriate. It is evident that some of the original landscape trees on the estate have been inappropriately pruned and others felled. The making of this Tree Preservation Order (TPO) will allow us to control what work takes place in the future to these, as yet, relatively untouched trees.

- 3.2 *The order would only benefit the occupiers of 18 Parker Close and not the general public or local residents:* this is clearly not the case as these trees can be seen and enjoyed by all residents of the estate and visitors not just the owners of 18 Parker Close. They can also be seen by all who use the main Merafield Road on foot or by car.
- 3.3 *The making of the application appears to be designed solely to try and resolve a possible civil (contractual) issue as between the occupiers of 18 Parker Close and Mrs Clapham:* the making of the order does not prevent the owner or Mrs Clapham from applying to carry out works to the trees in the future but will give the Local Planning Authority control over what work is given consent to ensure that any necessary pruning is carried out sympathetically thereby preserving these trees contribution to the amenity of the estate.
- 3.4 *Concern that the trees may damage the listed garden wall and about debris from the trees falling onto Mrs Clapham's property:* there is no evidence to date that the listed wall is being adversely affected by the presence of the trees. If in the future there is clear evidence that the tree is causing damage to the wall then the tree can be removed under the exemption provided for in the legislation. Debris in terms of leaf fall is a seasonal nuisance and maintenance issue and is not considered justification to remove the order.

4. Conclusion

- 4.1 In view of the above analysis it is considered that the objections to Tree Preservation Order No.484 Parker Close do not justify the revoking of the Order. It is therefore recommended that the order is confirmed without modification.