

PLYMOUTH CITY COUNCIL

Subject: Objection to Tree Preservation Order No.490: 46,
Torridge Road, Plympton, Plymouth

Committee: Planning Committee

Date: 8 November 2012

Cabinet Member: Councillor Vincent

CMT Member: Anthony Payne - Director for Development

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Ref: DC/T1/2/I

Key Decision: No

Part: I

Purpose of the Report:

A request was received from the daughter of the owner of 46 Torridge Road to consider making a Tree Preservation Order on an Oak tree located on the rear boundary of the property and adjacent to a roadside verge with the tree believed to be partly owned by the City Council as Highway Authority. The request is based on a concern that previous indiscriminate pruning by neighbours will continue to the detriment of the tree, which is a highly prominent visual amenity feature of the neighbourhood. It was therefore considered expedient in the interest of public amenity to protect the tree and to control future work on the tree in accordance with the relevant British Standard (BS 3998 2010: Treework – Recommendations). The tree is approximately 200 years old and visible to all who live in the Westfield area of Plympton. Two letters of representation were received, but only one has been confirmed as an objection to the Order. The objection received, states that there is no commitment to survey the tree or to undertake or order any pruning of the tree. The concerns of the objector were notified to both the owners of the tree, namely the Highway Authority and the owner of 46, Torridge Road. It was explained that the Council's Planning Department would assess any application for treework on its merits, but responsibility for the tree remained with its owners. It is considered that the objection, from an adjoining property in Torridge Road, does not outweigh the reasons for making the Order and it is recommended that the Order is confirmed without modification.

Corporate Plan 2012-2015:

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 part of the existing responsibilities of the

Planning Department. 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. Child Poverty, 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 tree may have inappropriate works carried out on it 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. 490.

Letters of representation dated 14 June 2012 from Mr. F. White, 44, Torridge Road and dated 19 June 2012 from Mr. and Mrs. Kelman, 48, Torridge Road. Letter to both parties dated 28 June 2012 from C. Knapman (Tree Officer) to confirm whether representations are objections. Letter dated 30 June 2012 from Mr. F. White confirming his objection.

Sign off:

Fin	PC. Plac eFP D12 130 06.1 9.10 .12	Leg	JAR /159 16	HR		Corp Prop		IT		Strat Proc	
Originating SMT Member											

Background Report

I. Introduction

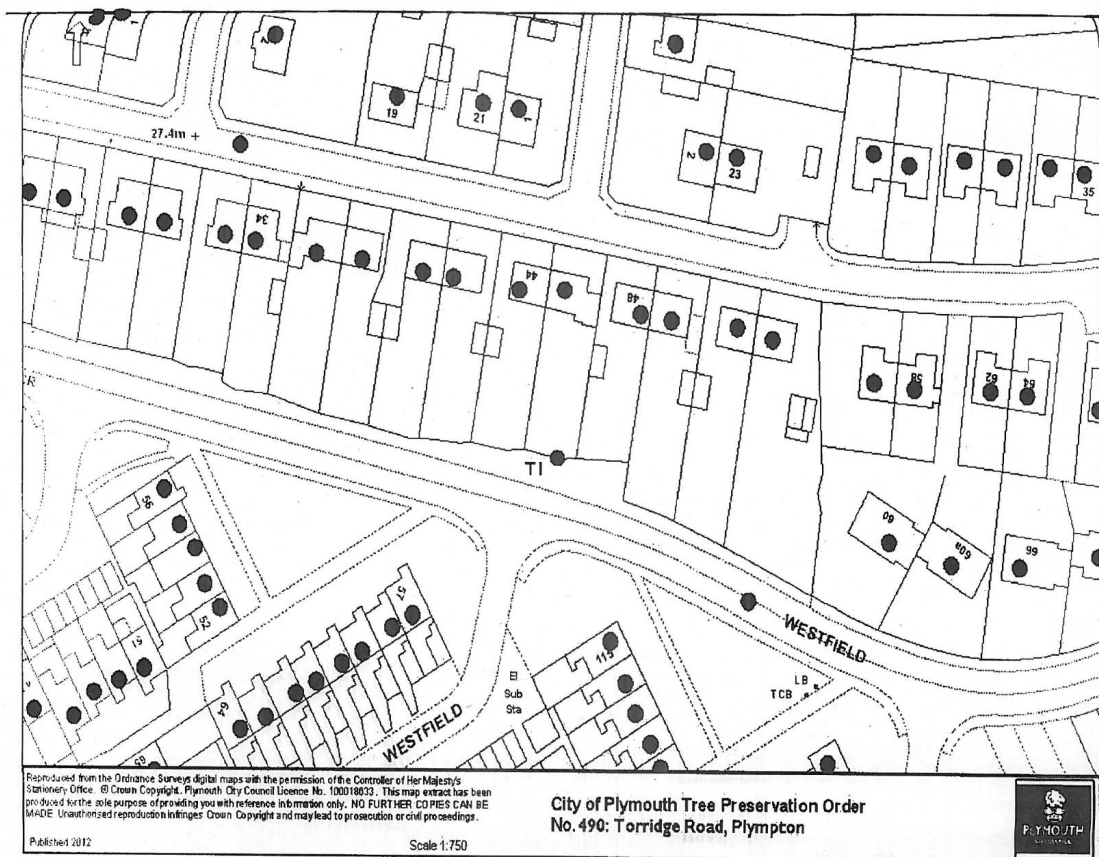
- I.1 Under delegated authority, on 7 June 2012, Tree Preservation Order No.490 was made to protect a 200 year old Oak tree on the rear boundary of 46, Torridge Way, Plympton, Plymouth. The owner of the tree had concerns that indiscriminate pruning by neighbours would continue and impact on the health of the tree and the wildlife it contains
- I.2 The tree is a prominent, mature, maiden, Oak tree situated on a relic field boundary with a consequent high amenity value, wildlife benefits and landscape history interest.
- I.3 It was therefore considered appropriate in the interest of public amenity to protect the tree and give the Local Planning Authority control over what works could be carried out in the future. Two letters of representation were received, of which one was confirmed as a letter of objection to the making of the Order.



TI Viewed from 46, Torridge Road



TI Viewed from Westfield



Map showing location of trees.

2. Objection

2.1 Two letters of representation were received from adjacent neighbours. One of which was subsequently confirmed by Officers as an objection to the making of the Order. The details are outlined below.

i) Mr. F. White 44, Torridge Road, 14 June 2012 confirmed as an objection by letter of 30 June 2012.

ii) Mr. and Mrs. Kelman 48, Torridge Road, 19 June 2012.

2.2 The reasons for Mr. White's objections are summarised as follows:

- Tree height
- Loss of sunlight
- Leaf fall
- Rot revealed in pruned branches of 6 inches diameter
- The Council should prune the tree and monitor height and spread thereafter
- Without pruning, property damage could result

2.2 The representations of Mr. and Mrs. Kelman, not recorded as an objection, are summarised as follows:

- A programme of controlled maintenance should be implemented
- Tree size

- Branch shedding
- Leaf debris
- Overhangs the highway to the rear of the property and could cause harm

3. Analysis of Issues

- 3.1 *Tree height.* Tree height in itself is not generally a problem providing the tree is in reasonable space and is structurally sound. In this case the tree is at the end of reasonably sized gardens and has sufficient space for its height and spread. No evidence has been provided that the height of the tree could contribute to structural failure such as a major defect in the trunk.
- 3.2 *Loss of sunlight.* Recent pruning of lower crown branches has not significantly improved sunlight to 44 Torridge Road and the owner of this property has not reduced the young hedgerow Ash trees at the end of his garden that would improve overall light levels.
- 3.3 *Leaf fall.* This is a natural event to be expected. Pruning the tree will normally stimulate growth and increase leaf cover.
- 3.4 *Rot revealed by pruning.* No information has been provided as to whether this is significant or has been addressed by the pruning carried out. It should be noted that pruning wounds stimulate rot potential, but rot is also a habitat for wildlife and may or may not be significant for safety. Further assessment may be necessary to establish condition and significance of such defects.
- 3.5 *The Council should prune the tree and monitor height and spread thereafter.* It is acknowledged that the tree should be assessed periodically and that any subsequent pruning recommendations should be considered on their merits. Pruning should not be carried out based on tree height alone. In a letter dated 28 June 2012 (C. Knapman) this concern was addressed and the importance of tree inspection/assessment, owner's responsibilities and treework applications were communicated to the tree's owners, namely the Highway Authority and Mr. and Mrs. Cadman at 46 Torridge Road.
- 3.6 *Without pruning, property damage could result.* Ill considered and excessive pruning can create weaknesses in branches at the site of old pruning wounds that can cause branch failure at a later date. Before pruning a tree careful consideration should be given to the potential negative aspects of such actions to avoid creating more problems than are solved.
- 3.7 Issues raised by Mr and Mrs Kelman were not objections and so are not dealt with in this report.

4. Conclusion

- 4.1 In view of the above analysis it is considered that the objections to Tree Preservation Order No.490 Torridge Road do not justify the revoking of the Order. It is therefore recommended that the order is confirmed without modification.