

## PLYMOUTH CITY COUNCIL

**Subject:** Objections from Mr Hulcoop to Tree Preservation Order  
No. 500: 242, St. Pancras Avenue

**Committee:** Planning Committee  
**Date:** 11<sup>th</sup> September 2014  
**CMT Member:** Anthony Payne (Director for Place)  
**Author:** Chris Knapman  
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**Ref:** TPO 500

**Key Decision:** No

**Part:** I

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### **Purpose of the report:**

Following enquiries about the protected status of 3 trees on the boundary of 242, St. Pancras Avenue and a clear indication that felling was being imminently considered, it was considered expedient to make Tree Preservation Order No. 500 to protect the trees. One objection was received from the owner of the property. 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.

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### **The Brilliant Co-operative Council Corporate Plan 2013/14 -2016/17:**

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>

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### **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.

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### **Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:**

None

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### **Equality and Diversity:**

Has an Equality Impact Assessment been undertaken? No

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**Recommendations and Reasons for recommended action:**

To confirm Tree Preservation Order no 500 without modification.  
Reason: In order to protect important trees of high public amenity value.

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**Alternative options considered and rejected:**

To modify the Order to exclude Oak tree T2:  
If this tree is excluded from the Tree Preservation Order it 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.

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**Published work / information:**

Tree Preservation Order No. 500  
Letters of objection:  
Undated. Mr. A. Hulcoop, 242, St. Pancras Avenue, Plymouth, PL2 3TP  
Council Correspondence:  
14/05/14 Mr. C. Watson- Informal advice. Proposed extension and protected trees.  
07/08/14 Mr. C. Knapman- Acknowledgement of objection and response.

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**CIL Regulations Compliance:**

This recommendation/request has no implications in relation to the CIL regulations.

**Background papers:**

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	

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**Sign off: Legal:** JAR/21024/Aug14  
**Finance:** ABPlaceFPC1415003.200814

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Originating SMT Member													

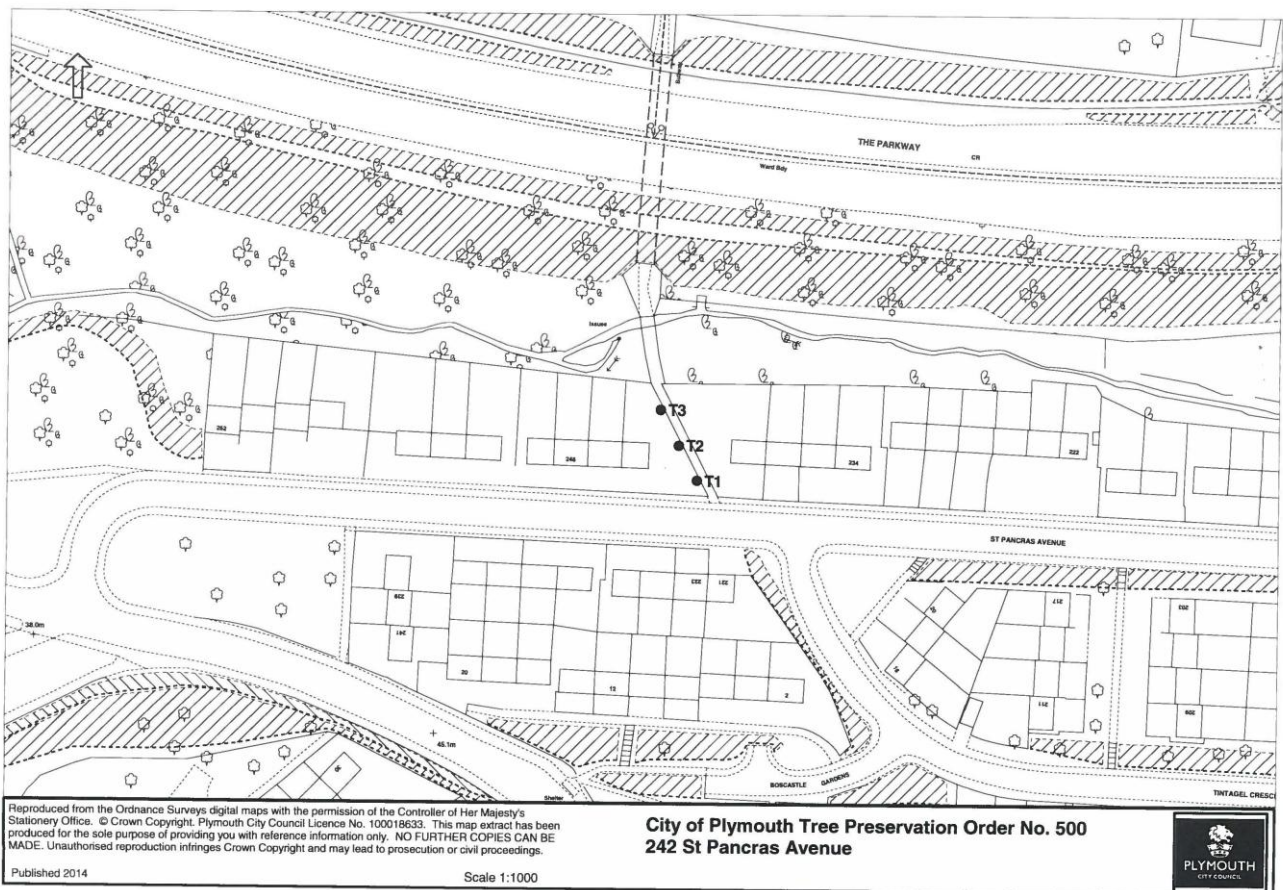
## Background Report

### I. Introduction

- I.1 Under delegated authority, on 22 April 2014, Tree Preservation Order No. 500 was made to protect 2 mature Pedunculate Oak trees and a mature Beech tree on the boundary of 242, St. Pancras Avenue with the footpath to the Parkway underpass. Following a telephone enquiry to check whether the trees were protected, the owners of the property had indicated that they were looking to remove all 3 trees to facilitate fencing for security and because they perceived the trees to be dangerous. A site visit to assess the suitability of the trees for a Tree Preservation Order was carried out and prior to making the Order, one of the owners of the property was contacted to advise that an Order was being considered. The owner was not pleased that an Order was being considered and it was concluded that the trees were sufficiently at risk to warrant an Order being made.
- I.2 All 3 trees are prominent features in the street scene and make a strong contribution to the visual amenity and character of the neighbourhood together with landscape history and wildlife values.
- I.3 It was therefore considered expedient in the interest of public amenity that a Tree preservation Order was made. One objection to the Order was received, from one of the owners of the property.



**Tree Preservation Order No. 500 viewed from St. Pancras Avenue**



## Tree Preservation Order No. 500: Order Map- showing location of trees

### 2. Objections

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

- There are no objections with regard to two of the trees
- There is only an objection to the central Oak tree (T2)
- The tree will prevent a potential extension to provide an extra room
- The tree is overgrowing the neighbouring property and there are safety concerns
- The tree contains decay.

### 3. Analysis of Issues

Outlined below is the Officer response to the objections.

- 3.1 Because there is only one objection to one of the tree protected trees, the only issue is whether the Order should be modified to exclude this specific tree.
- 3.2 It is considered that design solutions and pre-application advice could overcome any proximity issues with regard to tree T2. The property is an end terrace with a large garden and consequently various design options are available. All three trees pre-date the building of the adjacent houses, and the layout of this part of the estate was clearly designed to accommodate these important trees. It is considered that the trees can continue to exist without unreasonably impact on the houses or prejudice the owners reasonable home extension aspirations.

- 3.3 No evidence has been provided to support safety concerns but it has been advised by phone that following the removal of some shrubs, there is a cavity present in T2 with associated decay. No details have been submitted at this time with regard to the extent of decay or evidence to confirm that it is significant for safety. If the Order is confirmed in respect of this tree, any tree work or felling proposals can be dealt with through the normal application process. A site visit is planned prior to Planning Committee to provide advice concerning the defect and if this affects the TPO decision then it will be reported as an addendum to this report.

#### **4. Overall Conclusion**

It is officers' view that there are solutions to the objections raised with regard to Oak tree T2 that do not involve its removal. If defects in the tree are considered significant, this can usually be dealt with through the application process and consent will not be withheld if sufficient, validated evidence is provided. Alternatively if it affects the decision to TPO tree T2 this will be reported as an addendum report.