

PLANNING APPLICATION REPORT

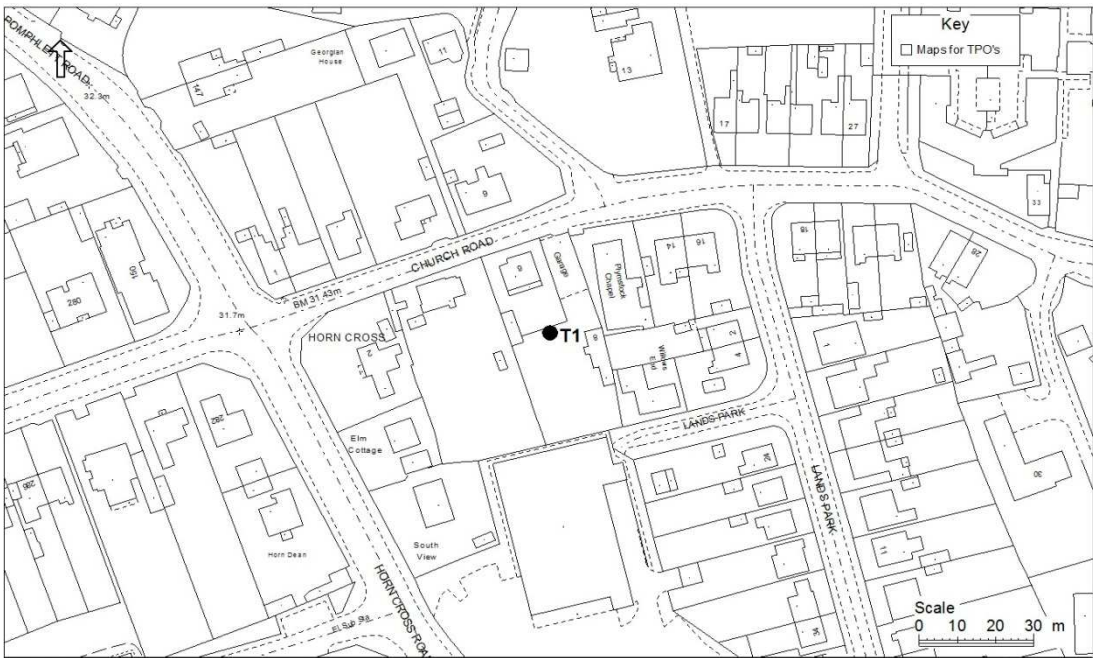


Application Number	N/A
Date Valid	

Item	02
Ward	Plymstock Radford

Site Address	LANDS PARK/CHURCH ROAD, PLYMOUTH	
Proposal	Request for a Tree Preservation Order to be made on a Monterey Cypress	
Applicant		
Application Type	Tree Preservation Order	
Target Date	Committee Date	Planning Committee: 24 September 2015
Decision Category	There are objections to the issuing of a TPO	
Case Officer	Jane Turner	
Recommendation	Confirm Tree Preservation Order 503	

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**City of Plymouth Tree Preservation Order No.503
Lands Park/Church Road,**

I. Description of site

Under delegated authority, on 7th April 2015, Tree Preservation Order No. 503 was made to protect a Monterey Cypress in the grounds of 8 Lands Park following a request from the owner. A site visit to assess the suitability of the tree for a Tree Preservation Order was carried out and around the same time an adjacent property owner at 6 Church Road asked the Officer to visit to discuss their concerns about the tree. This visit took place and it was evident that the neighbour was concerned about the safety of the tree mainly due to its height. The neighbour was informed that a request had been made for the tree to be protected.

The tree is a very prominent feature in the local area and makes a strong contribution to the visual amenity and character of the neighbourhood.

It was therefore considered expedient in the interest of public amenity that a Tree preservation Order was made.



Tree Preservation Order No. 503 viewed from Church Road



Tree Preservation Order No. 503: Order Map- showing location of tree.

2. Proposal description

A request was received from by the Council from the owner of the tree for a Tree Preservation Order to be made on a Monterey Cypress. The owner was being asked to reduce the height of the tree by a neighbouring property because of safety concerns. The tree is very prominent in the local area and it was considered expedient to make Tree Preservation Order No. 503 to protect the tree. An objection was received from the neighbouring 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.

3. Pre-application enquiry

None

4. Relevant planning history

Tree Preservation Order No. 503

5. Consultation responses

None

6. Representations

The objections contained in three letters from a single objector are summarised below:

1. There were three Monterey Cypress, two have blown over in the past.
2. Several branches have fallen from the remaining tree.
3. Concerned about safety of the tree and the administrative requirements of the TPO reducing the chances of any necessary work being carried out to the tree.
4. It is the Council's policy to only protect trees that are under a direct threat.
5. Concerned about construction works that have taken place in the root protection area as defined in the BS:5837 2012
6. The objector does not consider they are a threat to the tree which would justify the Council making an order.

7. Relevant Policy Framework

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.

8. Analysis

1. Outlined below is the Officer response to the objections.
2. Each tree has to be assessed on its own merits. The circumstances that led to the other two trees falling i.e. weather conditions and the individual trees condition at the time is unknown. It does not necessarily mean that this tree is also unsafe; indeed the fact that it is still standing after another 10 years would indicate that it is in reasonable condition. The owners have had the tree inspected by a competent Tree Surgeon and the person who inspected the tree was contacted about their opinion on its condition before the order was made. They considered the tree to be safe at the time of the last inspection.
3. The making of the Tree Preservation Order (TPO) does not alter the fact that the owner remains responsible for the tree whether there is a TPO in place or not. The owner has a 'duty of care' to those around them and must take reasonable care to avoid causing injury to people or damage to their property.
4. The serving of the TPO does not prevent a neighbour from applying for works to the part of the tree that overhangs their property – the Council is not likely to refuse consent for reasonable pruning works.

5. The Tree Preservation Order does not seek to prevent sensible management of trees – the owner can still apply to have the tree pruned. If any branches become dangerous/split there is an exemption under the TPO that allows any works to take place that are required to make the tree safe. The normal application for works is not required so the administrative element of the process should not cause any unnecessary delays.
6. With regards to the threat to the tree, it was evident that the objector was unlikely to change their view about their wish to have the height of the tree reduced due to their concerns about the safety of the tree. The fact that there is a fundamental disagreement about the best way to manage the tree between the owner and the neighbour is therefore considered enough of a threat to justify the TPO. If ownership of either property changes in the future then the TPO will ensure that any future works are carried out in accordance with good husbandry to maintain the wider amenity benefit of the tree.
7. With regards to the building works in the root protection area the officer visited to look at this and spoke to the owner – the extension was started over 20 years ago and the foundations were apparently inspected by a building control officer. Apparently no significant roots were present. After such a long period of time a decline in the foliage of the tree should be evident if root damage at the time was significant, no evidence of dieback on this side of the tree is evident. Other trees/shrubs are located between the extension and the tree.

9. Human Rights

None

10. Local Finance Considerations

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.

11. Planning Obligations

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

12. Equalities and Diversities

None

13. Conclusions

It is concluded that the objections raised with regard to Monterey Cypress do not justify the Tree Preservation Order being removed from the tree. If the condition of the tree changes and work is required this can be dealt with through the application process and consent will not be withheld if sufficient, validated evidence is provided. If a branch breaks again in the future then the existence of the TPO will not hinder/works that may be required to make it safe.