

TREE PRESERVATION ORDER REPORT



Application Number	TPO 513 Kingfisher Way	Item	
Date Valid		Ward	

Site Address	Kingfisher Way, Plymstock		
Proposal	Objection to Tree Preservation Order no.513 Kingfisher Way.		
Applicant			
Application Type			
Target Date		Committee Date	27/7/17
Decision Category			
Case Officer	Jane Turner		
Recommendation	To confirm TPO 513 without modification		

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I. Background Report

- 1.1 Under delegated authority, on 14th February 2017, Tree Preservation Order No. 513 was made to protect a Sycamore tree on land next to the South West Coast path at Kingfisher Way, Plymstock following a request from a local resident concerned that the tree may be felled. A site visit to assess the suitability of the tree for a Tree Preservation Order (TPO) was carried out.
- 1.2 The assessment concluded that the tree was significant enough in amenity terms 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 and the adjacent SW Coast Path.
- 1.3 It was therefore considered appropriate to make a TPO for public amenity reasons. Objections to the Order have been received since the making of the order that have remained unresolved. As a result this report has been prepared for the Planning Committee to decide whether or not to confirm the order.

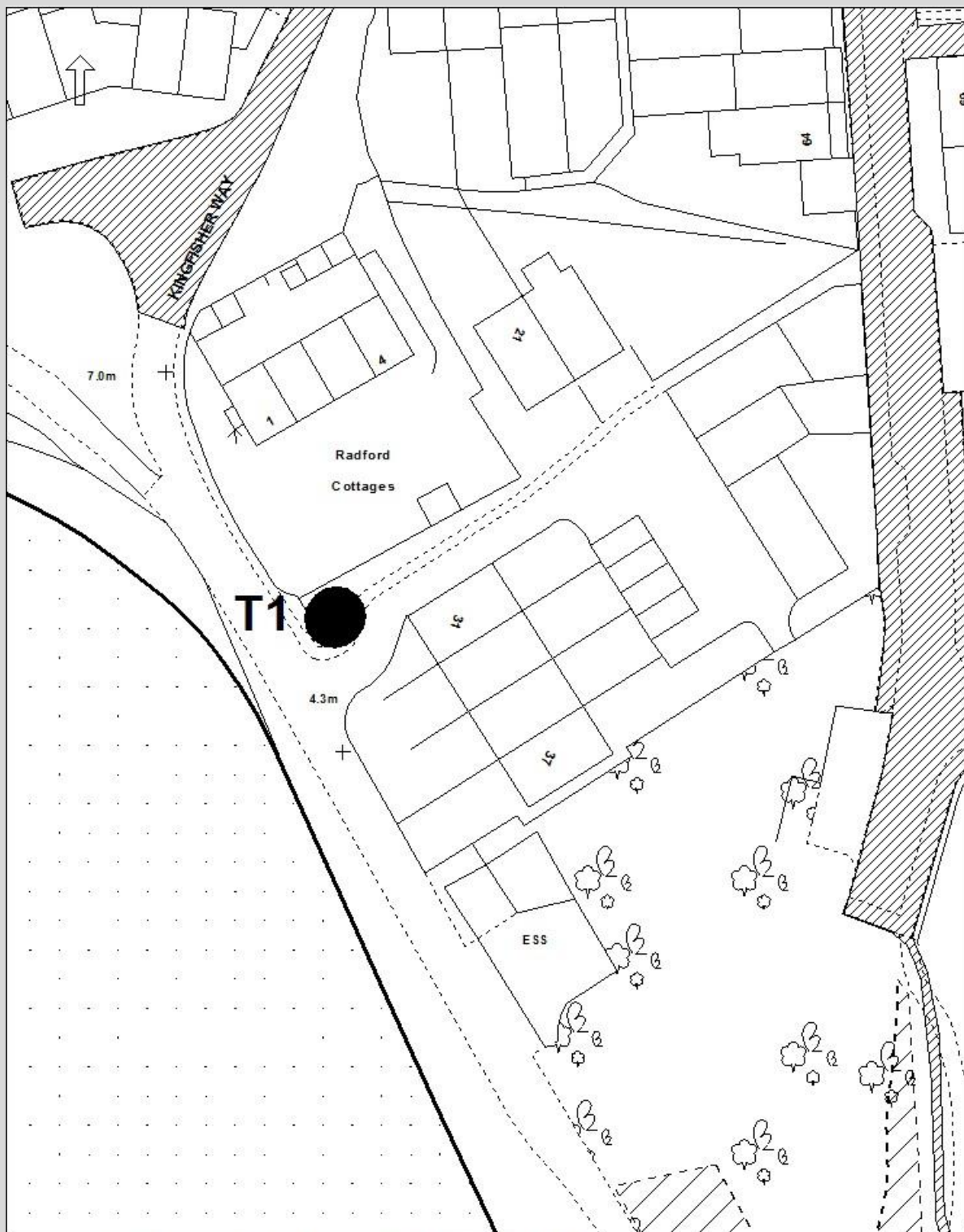
Tree Preservation Order No. 513 viewed from Kingfisher Way



TPO 513 viewed from access drive to side of 31 Kingfisher Way with view to Hooe Lake in background



Tree Preservation Order No. 513: Order Map- showing location of tree.



**City of Plymouth Tree Preservation Order No.513
Kingfisher Way**

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Scale 1:500



1.4 The resident had been approached by another resident to sign a petition to have the tree removed as it obstructed the view from the summerhouse in their garden. The resident did not want the tree removed and sought support in the form of a petition to save the tree. 19 local residents signed the petition and in addition 62 users of the

South West Coast path were also signed a petition.

- 1.5 Following the request for a TPO the Council arranged to meet the resident and a member of Kingfisher Quay Management Company (KQMC), who own the land the tree stands on, to try and come to an agreement about the management of the tree. Unfortunately no one from the KQMC attended. The tree is very prominent in the local area and it was considered appropriate to make Tree Preservation Order No. 513 to protect the tree and give the Council control over what works could take place.
- 1.6 An objection was received from KQMC and three other residents' including the owner of the nearest property (31 Kingfisher Way). In addition 18 letters/e-mails of support for the Tree Preservation Order have been received. Local Planning Authorities are encouraged to try and resolve objections prior to confirming an order and all objectors have been written to responding to the points they raise in detail. An offer of a site visit/meeting with the KQMC and residents to discuss their concerns was turned down.

2. Pre-application enquiry

N/A

3. Relevant correspondence (available on request)

Tree Preservation Order No. 513

e-mail requesting Tree Preservation Order

Petition from 19 local residents

Petition signed by 62 SW Coast Path users

Letter to KQMC

Extract from covenant

4 letters/e-mails of objection from residents in Kingfisher Way, Lower Saltram and KQMC

18 letters/e-mails of support from residents in Kingfisher Way, Lower Saltram, Plymstock Road, Broad Park and Radford Cottages

Various Council Correspondence

4. Consultation responses

See below

5. Representations

Objections

The objections contained in the 4 letters of representation are summarised below:

- Single Sycamore does not significantly or materially affect the landscape or the biodiversity of Kingfisher Way or its wider setting. The authority is advised to assess:--
Size and form - it is not a good specimen - 5 trunks
Future potential – blocks light and views and may damage services

Rarity, cultural or historic value – not rare and has no historic or cultural value,
Contribution to the landscape – poor specimen makes no contribution to landscape and blocks views.

- Spirit of Neighbourhood Planning - majority of 43 households forming shareholder in the Management Company want it removed.
- State of the tree – large and grown wildly, parts blow into front garden in windy weather.
- Proximity of tree to property – encroaches over boundary, concerned about roots and drains.
- Access to rear of 31 Kingfisher Way – obstruction to high vehicles using access to rear
- Views – residents views have been lost. The views of the residents should be given priority rather than a passer-by.
- Not a landmark, has no historic significance and no one sits beneath it or climbs it.
- Autumn and winter it is barren and unattractive
- Tree might collapse in storms
- Detriment to amenity
- Sap affects decoration of property – more maintenance
- Non-native fast growing concern about impact of roots and damage to footpath and sea wall
- Cost to KQMC
- 6 root systems as 6 trunks
- Private access road damage to which would cause huge repair costs
- It will continue to grow and is not an amenity, too large.
- Radford arboretum is more significant

Support

The 18 letters/e-mails received supporting the making of the order are summarised in the phrases below:-

- There have been no discussions/consultation with company members on the matter of felling the tree
- The report on the health of the tree commissioned by KQMC has not been shared with company members/shareholders
- Tree is a valued part of my view
- Tree is a valuable amenity of our local area
- The tree has been found to be healthy
- My children love this tree
- Beautiful tree that enhances the beauty of the area and the lake
- Should not be removed to improve a view
- The tree adds to the area and is an important and valued part of my view and helps break up the stark appearance of the houses
- The tree benefits a huge number of people who use the South West Coast path and is a valuable amenity.

6. Relevant Policy Framework

CS18 (4) the Council will protect and support a diverse and multi-functional network of green space and waterscape, through: using its powers to safeguard important trees and hedgerows.

Emerging Joint Local Plan DEV 30 Trees, woodlands and hedgerows.

7. Analysis

Outlined below is the Officer response to the objections.

- A Tree Preservation Order assessment form was used to decide whether or not the tree was worthy of protection. The form covers most of the points raised by the objectors and results in a score to help inform the decisions as to whether or not an order should be made. In this case the score was high enough to justify the order. Although multi-stemmed there are no defects and the tree is considered to be healthy. This has been confirmed by a report commissioned by KQMC by Aspect Tree Consultancy referred to in a letter from KQMC which states *'tree report/risk assessment was undertaken by Aspect Tree Consultancy issue 14/3/17, which concluded that the tree is a healthy specimen with very low risk of causing harm with no works or actions to be undertaken at this time, another review has been recommended in three years'*. It should be noted that the Council requested to see a copy of the whole report but this has not been provided.
- Although the tree is not rare and does not have historic value officers consider it has high public amenity value. There are other trees in the nearby parks, however, this tree is one individual prominent specimen, next to the SW Coast Path. Officers consider that it forms part of the view and does not 'block' the whole view as the lake can easily be seen either side. In addition for 6 months of the year the tree has no leaves and does not block the view. It has been long established that although you may have a legal right to 'air' or 'light', you have no right to a view ('prospect') that it is 'a matter of delight' rather than 'necessity' (Aldred's case 1610).
- The report states the tree has a low risk of causing harm. There was an access drive at this point before the houses were built and it is unlikely therefore that roots will have populated the area of the now more formal drive. Such a compacted drive is an unfavourable rooting environment with lack of access to water and nutrients, no evidence of cracking or uplifting were observed. The nearest property is the other side of the drive – if any roots have ventured this far they will be relatively small and run along any modern foundations. It is therefore not agreed that the tree is a risk to driveway path or cottages. No evidence has been provided of any issue with the drains. If there is a crack or fault with drain pipes then roots may exploit this extra source of nutrients, however if the drains are modern (ie. plastic) and intact there should be no issue with root penetration. If problems occur in future then an assessment can be made at the time and options such as sleeving (using a plastic inner liner) can be explored.
- When making an order the Council takes into account the benefit the tree brings to the wider public as well as the immediate residents. If at any time the tree needs to be pruned to allow access for high sided vehicles then this can be applied for - the application process is not onerous and there is no charge. Permission is unlikely to be refused for sensible management.
- Photos have been submitted showing children playing amongst the stems.
- The tree is the only significant tree on this section of the SW Coast Path
- Issues with access and encroachment can be overcome with some sensible pruning.
- A tree does not have to have historic significance to be protected.
- The fact that the tree is deciduous does not justify its removal.

- The extract from the report referred to above has not identified any risk that the tree might collapse. The Council requested a copy of the report but this has not been provided.
- Encroachment of branches has been covered earlier.
- Sap is a seasonal nuisance and it is considered that maintenance of a property related to a seasonal nuisance is reasonable and does not justify the removal of a tree.
- The woodland trust has a useful summary of the Sycamore:-

Having been introduced to the UK in the 17th century, sycamore is particularly tolerant of 'sea spray' and may be planted near the coast.

Value to wildlife

Sycamore is attractive to aphids and therefore a variety of their predators, such as ladybirds, hoverflies and birds. The leaves are eaten by caterpillars of a number of moths, including the sycamore moth, plumed prominent and maple prominent. The flowers provide a good source of pollen and nectar to bees and other insects, and the seeds are eaten by birds and small mammals.

To conclude, a TPO does not prevent the sensible management of a tree and is not an onerous process. It gives the Council control over what works are carried out. It is clear from the letters/e-mails of representation received that residents of the estate have very differing views on the amenity value and benefit the tree brings to the area. If the KQMC apply to fell the tree and the Council refuses permission then they have the right of appeal. An application for sensible pruning/maintenance is unlikely to be refused

The serving of the TPO does not prevent a neighbour (eg: 31 Kingfisher Way) 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.

9. Human Rights

None

10. Local Finance Considerations

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

Not applicable.

12. Conclusions

It is concluded that the objections raised with regard to the Sycamore do not justify the Tree Preservation Order being removed from the tree. If the condition of the tree changes or problems with services occur and work is required this can be dealt with through the application process. Consent will not be withheld if sufficient, validated evidence is provided. If branches obstruct the access the existence of the TPO will not hinder works that may be required to alleviate a nuisance.

13. Recommendation

To confirm TPO 513 without modification.

14. Conditions

Not applicable