

## DRAFT REPORT OF THE HEAD OF PLANNING AND REGENERATION

### APPEALS AND REVIEW COMMITTEE 18 February 2019

Provisional Tree Preservation Order – 52 Maplewell Road Woodhouse Eaves

#### 1.0 Introduction

##### 1.1 Background

The tree is a Dragons' Claw Willow *Salix Matsudana tortuosa* within the front garden of 52 Maplewell Road at the junction with Mill Lane. It forms part of the treed street scape of Maplewell road and as such is an important component to the character of the Conservation Area.

Conditional consent for an extension development P/18/0548/2 was granted 18 May 2018. Condition 2 states that "*The development hereby permitted shall be carried out in accordance with the following plans...*" The list Planting Plan & Schedule - Drawing number FS/162/10 which clearly shows the tree for retention.

In September 2018 the Council received a Section 211 Notice also known as a Conservation Area Notice P/18/1990/2 to fell the tree. The decision on 6 November 2018 was taken to place the tree under a provisional Tree Preservation Order.

This was served on the 7 December 2018 to effect protection of the tree at the property.

##### 1.2 The Site

The property lies to the north side of Maplewell Road at the junction with Mill Lane, a key settlement of the Borough of Charnwood within Charnwood Forest designation.

##### 1.3 Condition of the tree

The tree is a Dragons' Claw or Contorted Willow *Salix Matsudana tortuosa* within the front garden of 52 Maplewell Road at the junction with Mill Lane.

This was specifically retained when the extension development consented. It makes a significant amenity contribution to the landscape character of the street scene of this part of the Woodhouse Eaves Conservation Area. Its importance is related to its position at the staggered cross road junction of Maplewell road, Mill Lane and Victoria Road.

The tree has been managed as a pollard.

#### 2.0 The Objection to the Order

There are four main points to the objection. They claim that:

- (i) the tree has outgrown its surroundings
- (ii) the species is inappropriate,
- (iii) the species is unremarkable, and that;
- (iv) it is of limited amenity value to this part of the Conservation Area.

Additional information was submitted in the form of a report from fpcr which used the TEMPO system to claim that the tree does not merit a TPO.

- (v) The tree having been pollarded should be regarded as unsuitable for its location and for placing under TPO:

TEMPO amenity assessment	fair /satisfactory -3 downgraded -pollarded
TEMPO retention span	20-40years suitable - 2
TEMPO relative public visible and suitable for TPO	medium tree clearly visible to public -4
other factors	poor form unsuitable for location evident by need for regular intervention and re-pollarding.

No other representations from any other person or organisation have been made in relation to the Order.

### 3.0 Response to the Objection

The TPO was considered important to protect this tree which provides relief at the staggered junction. The objection points are herewith addressed:

- (i) Outgrown surroundings:

The principal objection is the claim that the tree has outgrown its surroundings. If this rationale was applied to protected trees within frontages and highway situations across the Borough, a great many trees would be vulnerable to removal. The TPO process allows for applications for tree works and it is entirely foreseeable that an application would be received to reduce the crown periodically to maintain the tree in situ and give clearance to the wires and side of the dwelling. As the tree has a history of pollarding we can see that it is possible to maintain.

- (ii) Species inappropriate

The size category for the cultivar, *Salix matsudana tortuosa* / *syn. Salix babylonica var. Pek tortuosa*, is medium that is in a range 7-17m. Alan Mitchell notes that it is a cultivar “*common in small gardens*”. The parent species *Salix matsudana (syn. babylonica)* is medium-large tree, capable of growing to 20-25m so the cultivar is toward the lower end of the size category.

Notwithstanding its relatively smaller size to the parent species, unrestricted growth could lead to the tree being inappropriate but, as already noted by the planning consultant for the Objectors, the tree has been maintained in the past at this location through periodic pruning management and is obviously a pollarded tree. The fpcr Arborist has also noted that the tree is a managed pollard and in para 2.8 of their report states “Furthermore the tree is unlikely to reach its full age or size potential due to prior intervention of this pruning [pollarding]” This statement concurs with my evaluation that the tree by virtue of pollard management is mitigated to being suitable to its location.

The tree location is bounded on two sides by highway and a dwelling on the other therefore this tree would be highly unlikely to reach 17m. These root volume and spatial restrictions coupled with periodic pollarding would maintain this tree in the lower end of the tree size

category and thus mitigates the potential issue which would be associated with crown and invasive root spread. Again the fpcr arborist statement para 2.8 concurs with my evaluation that the effect of root volume confinement mitigates unsuitability of species size.

(iii) Unremarkable

The tree is fairly unusual due to its wiggly contorted twisting stems which are more noticeable in winter when leaves, also curled, are shed. The cultivar is noted by the renowned tree expert Alan Mitchell as “*a cultivar of a very rare species*” (reference: Mitchell, Alan A Field Guide to Trees of Britain and Northern Europe) and in the Hillier Designers Guide as “*an unusual specimen*” which looks “*fabulous in winter*”. The cultivar is often used to provide material for flower arranging enthusiasts precisely because of its unusual contorted stems.

(iv) Contribution to amenity - limited

The tree is important locally in terms of urban landscape function at the staggered junction. It highlights and marks the junction corner with Mill Lane and faces the opposite junction. It counterbalances the birch, also pollarded, which lies to the south of the house and contributes to the cadence of trees along Maplewell Road frontages. (see Appendix photographs)

(v) fpcr TEMPO conclusion

The fpcr evaluation agrees with mine for amenity assessment, retention span, public visibility and suitability for TPO but varies for ‘other factors’ such that it fails to be considered expediency or overall suitability for TPO. The main plank of the objection Para 3.1 is the claim the tree is unsuitable for its location and therefore should not merit TPO. Such a conclusion is problematic. A great many TPO trees in Charnwood are regularly maintained pollarded trees. If the Committee were to agree with the objector’s arborist they would open the floodgates for every pollarded TPO tree to be revoked and felled. In para 3.2 the arborist claims that the tree will be susceptible to shedding branches “*even more so when pollarded*” but this would only be the case if the management were substandard and the programme of pollarding neglected. In Para 3.3 the arborist draws attention to the need for repeat application for tree works and claims this would be ‘onerous’. The TPO regulations specifically allows for tree works which are necessary, appropriate and in the interests of good arboricultural practise. It cannot be asserted that this provision of the Regulations is ‘onerous’. This Local Planning Authority regularly grants conditional consent for TPO tree works so that tree owners can legally carry out works deemed necessary and appropriate. There is no fee applicable to date for these applications and the Council also provides pre-application advice to assist tree owners.

#### 4.0 Conclusion

The reason put forward to remove the protection afforded the Order is not considered justified. The owner was aware that the retention of the tree was required during the extension application process. The series of photographs attached herewith (Appendix A) illustrate the importance of this tree in its context.

Removing the Order by failing to confirm it would lead to the removal of the tree. There would be no legal or planning mechanism to require a replacement tree and the owners would be under no obligation to plant any other tree. The only mechanism to ensure a replacement tree in the future is to confirm the TPO.

Therefore it is my opinion that this objection should be dismissed.

The Committee is therefore recommended to confirm the Order without modification.

(supporting photographs attached)

Contact Officer:

Nola O'Donnell MAgrSc Dip (hons) LA CMLI

Senior Landscape Officer

Tel: 01509 634766

[trees@charnwood.gov.uk](mailto:trees@charnwood.gov.uk)