

TREE PRESERVATION ORDER SUB-COMMITTEE

Minutes of the meeting held on Tuesday 31 October 2012 in the Town Hall, Royal Leamington Spa at 5.00pm.

PRESENT: Councillors Mrs Blacklock, Brookes, MacKay and Weed.

1. APPOINTMENT OF CHAIRMAN

The Committee Services Officer explained that an administrative oversight had meant that the appointment of Chairman had been omitted from the agenda, but as it was the first TPO Sub-Committee meeting of the municipal year, this had to be the first item of business.

It was moved by Councillor Mrs Blacklock, seconded by Councillor Brookes and

RESOLVED that Councillor MacKay be elected Chairman of the Tree Preservation Order Sub-Committee for the municipal year 2012/13.

2. DECLARATIONS OF INTEREST

There were no declarations of interest.

3. MINUTES

The minutes of the meeting held on 5 April 2012 were taken as read and signed by the Chairman as a correct record.

4. TREE PRESERVATION ORDER 466 – NEVILLE COURT, 15 CLARENDON ROAD, KENILWORTH

The Sub-Committee considered a report about a provisional Tree Preservation Order (TPO 466) made on 27 June 2012 following receipt of notification of the intention to fell a mature Yew tree located within the front curtilage of Neville Court, 15 Clarendon Road, Kenilworth, within the Kenilworth Conservation Area. The Provisional Order came into effect on 27 June 2012 and would remain in force for a period of six months unless the Council chose to confirm it, in which case it would remain in force indefinitely.

Objections had been received from three parties; two from residents of Neville Court and one from the managing agents for Neville Court Limited.

A site visit had been undertaken prior to the meeting to assist the Sub-Committee in reaching its decision, although Councillor Weed had been unable to attend. However, she had visited the site on her own earlier in the day.

The Council's Tree and Enforcement Officers explained the application to the Sub-Committee. The Tree Officer considered the tree to be of

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significant amenity value in terms of its contribution to the character and appearance of the Conservation Area. The tree was prominent within the surrounding area and made a positive contribution to the local environment. There was no evidence to indicate that the tree was structurally unsound or in poor health.

Mr Stuart Thomas, a resident, addressed the Sub-Committee in opposition to the TPO. He stated that the opposition to the TPO had meant that the original request to fell the tree had now been changed to a request to reduce the tree by 25%. This was felt to be reasonable and Mr Thomas requested that even if the TPO was confirmed, the request to reduce the tree by 25% be allowed to proceed. Even if the TPO was not confirmed, Mr Thomas said that the 25% reduction should still go ahead. He explained that the Yew tree was one of several trees in the vicinity and one of the other trees had been successfully reduced by 25%. A survey of passersby had shown that most felt that reducing the Yew tree by 25% would be acceptable.

Mr John Wheatcroft, another resident, also addressed the Sub-Committee in opposition to the TPO. He felt that the mess created by the tree was a health issue, particularly in winter. The canopy of the tree meant that the refuse area remained wet and slippery and the mess caused by the tree was walked into homes. Also the acidic berries from the tree damaged paintwork on cars. He stated that if the tree was reduced, it would allow more light onto the car park from the street light and this would improve security. Cars parked there had been a target in the past.

The Council's Enforcement Officer explained to Members that the decision required concerned whether to confirm the TPO, not the 25% reduction. Even if the TPO was confirmed, the owners of the tree could make a formal request to reduce the tree.

Members noted that the tree was a fine specimen of its species. It was very striking and added to the character of the street. If the tree was felled, there would be a detrimental impact on the street. A TPO would ensure the future of the tree and leave the way open to maintain it.

Having considered the officer's report, presentation and speakers, and having visited the site, Members unanimously agreed that the Order should be confirmed.

RESOLVED that Tree Preservation Order 466 be CONFIRMED.

Members then sought opinion from the Tree Officer about a 25% reduction of the tree and what this meant. The Tree Officer explained the principles and said that it might be wiser to thin the tree out. The Enforcement Officer advised that it would be best if the Tree Officer contacted the tree surgeon so that the best course of action could be properly agreed to leave no room for misunderstanding, with the permissible pruning work properly defined.

(The meeting ended at 5.20 pm)