

TPO Sub Committee: 4 August 2010
Order No: TPO 432

Item Number:

Town/Parish Council: Leamington Spa

Case Officer: Gary Fisher
01926 456520
gary.fisher@warwickdc.gov.uk

Land to the west of 50-56 Strathearn Road and Beauchamp House,
Beauchamp Hill, Leamington Spa
Provisional Tree Preservation Order: TPO 432 – Group of 6 Sycamore trees

1.0 Introduction

- 1.1 A Provisional Tree Preservation Order has been made in respect of the trees the subject of this report. The trees are located within the Leamington Spa Conservation Area and the TPO is made following the receipt of a Conservation Area Notification proposing the crown reduction of two of them.
- 1.2 That Order (TPO 432) initially took effect on a provisional basis on 2 March 2010. It will cease to have effect 6 months from that date unless the District Council first confirms it.
- 1.3 In order to assist the Council in deciding whether the Order should be confirmed, local residents and other interested parties in the immediate vicinity were invited to make representations in relation to the provisional Order. The following responses have been received:-

2.0 Summary of Representations

- 2.1 Mr John Daly of 50 Strathearn Road supports the making of the Tree Preservation Order.
- 2.2 Mr. Tim Howitt of 54 Strathearn Road objects to the making of the Tree Preservation Order. Mr. Howitt clarifies that whilst he agrees that the trees should be preserved, they represent a danger to properties in the immediate vicinity in that they have grown too large and are rooted on an excavated bank. Mr Howitt has been advised by a tree surgeon that the trees would benefit from some reduction and the removal of ivy.
- 2.3 L Johnson of 52 Strathearn Road objects to the making of the Order for the following reasons:-
 - The trees have been previously pollarded and further works will not severely impact upon their natural form and amenity value.
 - The trees have grown exceptionally;
 - They are growing out of balance;
 - They are poorly rooted on a residual sloping bank;
 - The trees are constrained by their proximity to buildings and as a consequence are growing vertically;

- They are located in small front gardens close to buildings and should be treated as garden trees;
- The trees pose a danger by reason of their bulk and height;
- Insurers require that the trees are maintained.

3.0 Relevant Planning History

3.1 26 January 2010: no objection raised to a Conservation Area Tree Notification proposing the 30% crown thinning of 5 of the trees.

3.2 4 March 2010: objection raised to a Conservation Area Tree Notification proposing the crown reduction of 2 of the trees for the following reason:-

The sycamore trees by reason of their stature and prominent street edge position within a wider group of sycamore trees are important features within the locality making a significant contribution to the character and amenity of the surrounding area.

The proposed crown reduction involves the removal of a substantial proportion of the crowns of the trees which would severely impact upon the natural form and amenity value of the individual trees and the wider group of which they form part, and therefore be detrimental to the character and amenity of the surrounding area.

4.0 Key Issues

4.1 The trees in question comprise a group of mature sycamores located in a highly prominent roadside location. They form part of a wider belt of mature trees and collectively make a key contribution to the character of this part of the Leamington Spa Conservation Area.

4.2 The trees are located on a bank which slopes towards residential buildings however no evidence of any instability or resultant overriding health and safety factors has been provided.

4.3 They are positioned within approximately 10 metres of the nearest residential properties with their crowns located in closer proximity to the buildings. The trees are substantive features when viewed from those properties affecting the outlook from and natural lighting of some of the facing windows.

5.0 Assessment

5.1 The effect of making the Tree Preservation Order is to bring future proposals for work to the trees to which it relates within the control of the District Council. The current protection afforded by the trees location within the Leamington Spa Conservation Area only enables the Council to prevent inappropriate proposals by making a Tree Preservation Order.

5.2 The confirmation of the Tree Preservation Order so as to provide such further protection would not prevent the submission and consideration of further applications in relation to proposed works directed at the appropriate

management of the condition of the trees in question.

- 5.3 If the Tree Preservation Order is not confirmed, the work described in the Conservation Area Notification of March 2010 could go ahead. In the view of your arboriculturist, these proposals were not appropriate and would have a significant adverse impact on the amenity of the area.
- 5.4 The trees in question have previously been pollarded, however by reason of their form, stature and position they now make a significant contribution to the character of this part of the Conservation Area.
- 5.5 On balance, I do not consider that the issues raised by way of objection to the making of this TPO are sufficient to outweigh the amenity benefits arising from the presence of the trees.
- 6.0 Recommendation**
- 6.1 That the Tree Preservation Order 432 be confirmed to protect the group of sycamore trees, the subject of this report.
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