

TREE PRESERVATION ORDER SUB-COMMITTEE

Minutes of the meeting held on Thursday 5 April 2012 in the Town Hall, Royal Leamington Spa at 5.00pm.

PRESENT: Councillors MacKay (Chairman), Mrs Blacklock, Brookes and Weed.

14. **DECLARATIONS OF INTEREST**

Minute Number 16 – TPO 459 – Field House, Grove Farm Road, Ashow

Councillor MacKay declared a personal and prejudicial interest because the application site was in his Ward and he had advised the owners of Field House. He left the meeting after speaking as a Ward Councillor on the issue.

15. **MINUTES**

The minutes of the meeting held on 31 January 2012 were taken as read and signed by the Chairman as a correct record.

16. **TREE PRESERVATION ORDER 459 – FIELD HOUSE, GROVE FARM ROAD, ASHOW**

The Sub-Committee considered a report about a provisional Tree Preservation Order (TPO) made on 19 December 2011 following receipt of notification under Section 211 of the Town and Country Planning Act of the intention to fell the trees subsequently protected by TPO 459. A map detailing the location of the trees was attached as an appendix to the report written by the case officer. The report stated that T1 marked on the map was a birch tree and G1 was a group of ash trees. The provisional Order came into effect on 19 December 2011 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 four parties, namely Mr and Mrs N Williams of Field House, Mr and Mrs D Holt of Witherwell Barn, RW and H Fryer of Grovewood and Ashow, Burton Green and Stoneleigh Joint Parish Council.

A site visit had been undertaken prior to the meeting to assist the Sub-Committee in reaching its decision, although Councillor Brookes was unable to attend this.

Councillor MacKay informed the Committee that in his opinion, the best solution would be to confirm the TPO solely on the ash trees as this would allow Mr and Mrs Williams to approach the Council to request permission to fell them. Mr Williams had given him assurances that the ash trees would be replaced with an oak tree. He felt that there was no need to confirm the TPO on the birch tree because in his opinion, it had been poorly maintained in the past and was not visually significant to the area. Councillor MacKay

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gave Committee members a newspaper article about potential drought conditions threatening birds and bees. He quoted a paragraph from the article which stated that away from wetlands, moisture levels had plummeted across the country – putting shallow-rooted tree species such as birch under potentially lethal stress.

As Councillor MacKay had declared a personal and prejudicial interest, the Committee resolved that Councillor Mrs Blacklock should chair the rest of the meeting and Councillor MacKay then left the meeting.

RESOLVED that Councillor Mrs Blacklock chair the remainder of the meeting.

Mr Chris Hastie, the Green Infrastructure Manager, explained the application to the Committee. It was the case officer's opinion that the key issues to be addressed were whether the trees were of sufficient amenity importance to justify a Tree Preservation Order, and whether the public benefit afforded by the trees outweighed any private inconvenience experienced by individuals because of the trees.

The owners of Field House had indicated in their objections that they would be willing to replant both the ash and birch trees with two oaks. The Green Infrastructure Manager pointed out that if the TPO was confirmed, the owners could then make a further application to fell the trees and to replant with the oaks. The Council could then make replanting a condition of granting consent, and could then enforce that condition. Without this, the Council would have no power to require replanting. He had given the applicant informal pre-application advice that an application to fell the ash trees and replace them with one oak tree would receive favourable consideration as oaks were consistent with the historic character of the area. However, to remove the birch tree at the same time without significant evidence of structural issues would represent too great a change in tree cover.

Mr Williams, the owner of Field House, spoke to the Committee and asked it not to confirm the TPO. He felt that his word to replace the trees with oaks should suffice. He was concerned that the ash trees were too close to his property and posed a risk of structural damage. The trees had been poorly maintained in the past and this had affected the structural integrity of the trees. He felt that the birch tree was too close to his neighbour's property, and this tree had also been poorly maintained, resulting in branches at unnatural and structurally unsound angles.

Mr Fryer, from Grovewood, spoke to the Committee and stated that the amenity value of the birch tree was very low and it showered branches on parked cars. He believed that there was a risk of subsidence where the garages were sited. He stated that the Council knew about an insurance claim in the past over a falling branch from the birch tree. He supported the proposal to replace the tree with an oak.

Those members of the Committee that had attended the site visit noted that the ash trees did have landscape value for the village as a whole, despite the fact that they were not good specimens. The birch tree was pretty but it was not so visible to the village where it was sited and it was

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noted that it was not well maintained. However, the ash trees were very striking from a distance, and indeed from a distance looked like one tree as they were so closely clumped together. An oak was viewed as a good alternative tree to the ashes as there were a number of oak trees in the area.

A motion was put forward by Councillor Brookes not to impose any TPO as the local parish council had indicated that the trees had no amenity value.

However, the other members of the Committee felt that it was important to ensure that there were sufficient trees in Ashow for the visual and amenity value. It was accepted that there was no need to keep the birch due to its appearance and condition, and because it could not be seen properly in the village. There was no need to ensure that it was replaced, especially given its proximity to the neighbouring property. However, the ash trees did provide visual impact for the village and the Committee felt that the safest way to ensure that if they were ever felled, they would be replaced with an oak, was to impose a TPO. The Committee felt that any future sitting Committee would be sympathetic to a future application to fell these ash trees if a condition was imposed to replace them with an oak.

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

The Committee thanked the Green Infrastructure Manager, Chris Hastie, for his work and advice.

RESOLVED that Tree Preservation Order 459 be CONFIRMED with the following modifications:

- (1) T1 should be removed from the Order;
- (2) the description of G1 should be changed to a group of three ash trees.

(The meeting ended at 5.45 pm)