

# TREE PRESERVATION ORDER SUB-COMMITTEE

Minutes of the meeting held on Wednesday 9 February 2011 in the Town Hall, Royal Leamington Spa at 5.10pm.

**PRESENT:** Councillors Illingworth (Chairman), Mrs Blacklock and Crowther.

## 8. DECLARATIONS OF INTEREST

There were no declarations of interest.

## 9. MINUTES

The minutes of the meeting held on 2 November 2010 were taken as read and signed by the Chairman as a correct record.

## 10. TREE PRESERVATION ORDER 433 – 24 KEYTES LANE, BARFORD

The Sub-Committee considered a report for a provisional Tree Preservation Order (TPO) that was made on 29 September 2010 in respect of the tree at 24 Keytes Lane, Barford, where objections had been received.

A site visit was undertaken prior to the meeting to assist the Sub-Committee in reaching its decision.

The tree was prominently positioned to the front of 22 and 24 Keytes Lane towards the end of this modern cul-de-sac within the Barford Conservation Area. It was a semi-mature box elder which was approximately 12 metres in height with an estimated life expectancy of 30 or more years.

There were three objectors to the Order whose concerns related to the height of the tree and loss of its variegated nature; it being not a native tree; causing shade and leaf litter; the surrounding area being well wooded and including larger and better specimens of tree; and the tree being a small decorative shrub which was considered to have become grossly overgrown and out of scale and place.

It was the case officer's opinion that the issues raised by way of objection to the making of this TPO were not sufficient to outweigh the amenity benefits arising from the presence of the tree. Current protection afforded by the tree's location within the Barford Conservation Area only enabled the Council to prevent inappropriate proposals by making a Tree Preservation Order. The effect of making the Tree Preservation Order was to bring future proposals for work to the tree within the control of the District Council. To provide for the continued protection of the tree would not prevent the submission and consideration of further applications for works to the tree. However, should the Tree Preservation Order not be confirmed, its proposed felling could be undertaken without the need for further consent.

## **TREE PRESERVATION ORDER SUB COMMITTEE MINUTES (Continued)**

Councillor Rhead attended to speak as a Ward Councillor, on behalf of two objectors, Pauline Currie and Kirsty Healey, who were also in attendance.

The Sub-Committee were reluctant to see a healthy tree removed, but recognised that it was not native to the area and had little amenity value other than to those residents who had objected to the TPO, therefore putting into question the tree's amenity value. Members did not feel there was a strong case for the tree's retention as an important feature of the conservation area.

Having considered the officers report and presentation, the views expressed at the meeting and having visited the site, Members agreed that the TPO should not be confirmed, contrary to the recommendation in the report. This was won by two votes, with one abstention.

**RESOLVED** that Tree Preservation Order 443 NOT be confirmed.

### **11. TREE PRESERVATION ORDER 444 – 60 BRANDON PARADE, HOLLY WALK, LEAMINGTON SPA**

The Sub-Committee considered a report for a provisional Tree Preservation Order (TPO) that was made on 22 September 2010 in respect of 6 trees at 60 Brandon Parade, Holly Walk, Leamington Spa, where objections had been received.

A site visit was undertaken prior to the meeting to assist the Sub-Committee in reaching its decision.

The trees were 6 mature limes of substantive height and an estimated life expectancy of between 30 -50 years. They were prominently located in a street edge position within the curtilage of a Listed Building close to the centre of Leamington Spa. By reason of their stature and character they made a significant contribution to the character and appearance of the Leamington Spa Conservation Area within which they were located.

There was one objector to the Order who had submitted correspondence from tree surgeons with the objection. The objection and correspondence were concerned with the size of the trees; structural defects to a 19<sup>th</sup> century listed wall caused by the trees; part of the wall having been forced off its footings and removed; loss of artificial light by means of the shielding of a street light ; problems to the occupants of the site arising from the mature and unmaintained condition of the trees; the trees overhanging the footpath and road, almost striking the property opposite; and deadwood falling onto parked vehicles. The correspondence suggested the removal of T6 to allow access to repair the wall; that the remainder of trees be reduced in height to 1.5 metres above the adjacent street light; and that all overhanging material and deadwood be removed.

It was the case officer's opinion that the issues raised by way of objection were not sufficient to outweigh the amenity benefits arising from the presence of the trees. The effect of making the TPO was to bring future proposals for works to the trees within the control of the District Council. Current protection afforded

## **TREE PRESERVATION ORDER SUB COMMITTEE MINUTES (Continued)**

by the trees' location within the Leamington Spa Conservation Area only enabled the Council to prevent inappropriate proposals by making a TPO. Confirmation of the TPO would provide for the continued protection of the trees, but would not prevent the submission and consideration of further applications for works to the trees. However, should the TPO not be confirmed, the felling, crown reduction and crown lifting proposed in the initial Conservation Area notification could be undertaken without the need for further consent. The Council's Arboriculturalist considered that the notified works went significantly beyond that required in the circumstances and would substantially impact upon the amenity value of this group of trees within the street scene. It was also noted that in seeking to remedy the condition of the adjacent wall, there was no evidence of the consideration of solutions which did not involve the felling of some of the trees.

The Sub-Committee was in no doubt that the trees provided amenity. However, Members recognised that some work was required and were also concerned that they had received conflicting proposals from different experts. After seeking further clarification of various points from officers, the Sub-Committee agreed that the best way forward would be to approve the TPO and convey to interested parties the Sub-Committee's sympathy with the need for work to be done and to invite them to discuss with officers the best way forward.

Having considered the officers report and presentation and having visited the site, Members agreed unanimously that the TPO should be confirmed in accordance with the recommendation of the report.

**RESOLVED** that Tree Preservation Order 444 be CONFIRMED.

(The meeting ended at 5.55 pm)