

**Planning Committee:** 3 March 2021

**Item Number: 6**

**Application No:** TPO 564

**Town/Parish Council:** Kenilworth St Johns  
**Case Officer:** Rajinder Reddi

**Registration Date:**  
**Expiry Date:**

33 Rouncil Lane, Kenilworth, CV8 1FN  
Confirmation of Provisional Tree Preservation Order relating to a pine tree  
-----

This Tree Preservation Order (TPO) is being presented to Committee because two objections have been received to it being confirmed.

### **RECOMMENDATION**

Planning Committee is recommended to authorise officers to allow TPO 564 to lapse without being confirmed.

### **BACKGROUND**

The Council was made aware in October 2020 of the potential felling of a mature pine tree. Following a site visit on 2 November 2020 a provisional Tree Preservation Order was made.

### **ASSESSMENT**

The tree is a very large mature Austrian pine of good form and structure, the stem diameter is in the order of 750mm, branch spread along the roadside in an easterly direction is 4m, toward the property to the south is 6m, to the west 4m and toward the road to the north it was 3m.

The tree's scale and mass provide very significant public amenity. It is clearly visible from Rouncil Lane and over the rooftops from neighbouring properties. Such trees in this type of setting might reasonably experience a life span of 100 – 140 years. In this case, the tree appears to be in good health with a remaining such expectancy of up to 40 years.

The Council's Arboricultural Consultant assessed the tree for its TPO quality using the nationally recognised TEMPO method of assessment. The tree scored 20; the TEMPO guidance is that where the score is 16 or more the making of a TPO is merited (if there are no other mitigating circumstances).

In summary the Council considered it expedient to make a provisional TPO under section 198 of the Town and Country Planning Act.

### **RESPONSES RECEIVED**

A small number of responses have been received in respect of this Order. One of these is of a sensitive and confidential nature. For that reason, it is not proposed to refer to those responses here which will be reported to members in private session at their meeting.

### **KEY ISSUES**

The tree is considered to be of significant amenity value within the surrounding area.

That amenity value would take years to replicate if the tree were removed and replaced.

The tree is, without doubt, the source of significant concern for one commentator and if removed, there would be benefits in that respect which Officers have considered very carefully and will be reported to members at their meeting.

The key issue therefore is whether the public amenity benefits of the tree outweigh those benefits.

### **SUMMARY/CONCLUSION**

If it is considered that the amenity of the tree is so significant that it overrides those private concerns, then it would be expedient to confirm this TPO.

In contrast, if those concerns are considered to outweigh those amenity benefits then it would be appropriate to allow the TPO to lapse without being confirmed.

Alternatively, the Order could be confirmed, and then consent immediately granted for the tree to be removed and replaced. However, as any replacement tree would provide little public amenity for some years, there would be no short-term amenity benefit, and as the primary purpose of an Order is to preserve the public amenity, this might seem counter to the spirit of the Regulations.

Having considered the above matters very carefully, and balanced the very significant amenity value of the tree with the private impacts referred to above, taking account of the likelihood of the tree being in the later part of its life expectancy, the recommendation is to allow the Order to lapse without confirmation.