

Planning Committee: 15 September 2015

Item Number: 15

Application No: TPO 490

Town/Parish Council: Kenilworth
Case Officer: Rajinder Lalli

Registration Date:
Expiry Date:

Former Ford Foundry car park r/o Myton Crofts, Warwick

Confirmation of Provisional Tree Preservation Order relating to group of 22 semi mature trees

This Tree Preservation Order (TPO) is being presented to Committee because an objection has been received to it being confirmed.

RECOMMENDATION

Planning Committee are recommended to authorise officers to confirm TPO 490 without modification.

BACKGROUND

It was brought to the Council's attention that some land clearing had taken place and trees removed to the rear of Myton Crofts Warwick.

Residents and Councillors raised concerns in respect of the loss of trees to their rear boundaries in Myton Crofts, Warwick.

ASSESSMENT

The trees are located to the rear boundaries of properties located at 11-23 Myton Crofts, Warwick.

They form a line of 22 semi mature trees of mixed species. Collectively these trees form an important linear arboricultural feature in the locality, both as a landscape feature that provides a softening to the vicinity, and as valuable screening between the existing residential area and existing and any proposed commercial areas.

OBJECTION

The Council received an objection to the making of the Order on 8th May 2015 from the property owner immediately adjacent the tree (the Planning applicant), stating the following:-

1. The TPO is inappropriate as they are not an arboricultural feature
2. They may present a danger to local residents in the future
3. The trees are of a poor specimen
4. Screening and landscaping for proposed developments should form part of the development application.
5. The Council should provide screening from the waste site.

KEY ISSUES

The key issues to be addressed in deciding whether or not to confirm the Tree Preservation Order are whether the trees are of sufficient amenity importance to justify a TPO, and whether the public benefit afforded by the trees outweighs any private inconvenience experienced by individuals.

As set out in the introduction, the tree is considered to be of significant amenity value for the residents in Myton Crofts. They provide a landscape feature that provides a softening to the vicinity, and, as a valuable screen between existing and proposed commercial sites.

In terms of the objections made by the land owner, no qualified justification has been submitted in support of his statements.

The effect of the Tree Preservation Order is to bring future work to the trees under the Council's control. It does not prevent future routine maintenance and an application to carry out further works can be made at any time.

A Tree Preservation Order also assists the Council to ensure continuity of cover by enabling the Council to require replacement planting in any future circumstances should it become appropriate to permit the removal of any of the trees.

Insurance liability for trees subject to a TPO generally rests with the property owner. However, following any refusal by the Local Authority of an application to undertake works to a TPO tree, compensation may be claimed within 12 months of the date of that decision for loss or damage which was reasonably foreseeable when the application was decided.

SUMMARY/CONCLUSION

It is not considered that the issues raised in objection to the Tree Preservation Order are sufficient to outweigh the significant amenity contributions which the tree makes to the surrounding area.