

Planning Committee: 11 July 2006
Application No: TPO 296

Item Number:

Town/Parish Council Leamington Spa

Case Officer Sandip Sahota
01926 456522 planning_appeals@warwickdc.gov.uk

Station Approach, Leamington Spa
Provisional Tree Preservation Order: 3 Sycamore trees (TPO296).

SUMMARY OF REPRESENTATIONS

The Tree Preservation Order took effect, on a provisional basis, on 20 January 2006 and continues in force on this basis for a further six months or until the Order is confirmed by the Council, whichever first occurs. Before the Council can decide whether the Order should be confirmed, the people affected by the Order have a right to make representations.

Pegasus Planning Group on behalf of Miller Homes – OBJECT on the following grounds:

- a. The trees are situated within the Leamington Spa Conservation Area, and as such the trees already have statutory protection from Arboricultural works or removal without the prior consent of the Local Authority.
- b. The Sycamores are located within the public realm, but are not focal points of a landscape/ townscape setting and taking into account the independently commissioned Arboricultural survey which notes the trees to be of moderate to low condition they consider that they do not make a significant enough contribution to the public scene to warrant TPO protection.
- c. Concerned that this order has been placed to be an obstacle to the development of the former Quicks Garage site which is currently the subject of an appeal.

KEY ISSUES

Assessment

The three sycamore trees (T1, T2 & T3) lie within a narrow island which separates the highway to the north and a service access to the south. The trees are early mature specimens with well balanced canopies situated in a prominent position close to the highway. The trees by reason of their size, height, shape, prominent position and because they form a continuous row of three trees make a significant positive contribution to the amenity of this part of Leamington Spa. The trees are clearly visible from public vantage points along Station Approach as well as from a number of properties on the south side of Avenue Road. In the interests of protecting the visual amenity of this part of Leamington Spa it is

considered appropriate to ensure that the trees are retained and to have control over works which may affect the future health and amenity value of the trees.

The trees adjoin the Leamington Spa Conservation Area but crucially are not situated within it. Therefore they can only be protected by confirmation of this Tree Preservation Order.

The condition of the trees has been taken into account in assessing their suitability for a TPO. Hence, the fourth tree in the row was not considered suitable for a TPO as it has an extremely tight and therefore inherently weak fork and has lost a major stem at some point in the past. It is acknowledged that T3 is somewhat suppressed and covered in Ivy, however, it could potentially make a reasonable specimen if the Ivy is removed and the crown allowed to develop. Whilst I note the consultant's comments, I have made an amenity judgement and remain firmly of the opinion that the trees make a significant positive contribution to the amenity of the area (refer to photographs). Chris Hastie, Strategy Officer (Arboriculture) has visited the site and considers the trees to be within the moderate category where retention is desirable as per BS5837 1991 Guide for Trees in Relation to Construction. He has recommended that the trees are worthy of a TPO.

The former Quicks garage immediately to the north of the trees has been the subject of two planning applications (W04/1281 & W05/0944) for the erection of 183 and 166 apartments respectively. Both applications have been refused and are currently the subject of outstanding appeals. A request to put a TPO on these trees was received from The Leamington Society to protect the amenity of the area. This is a perfectly sound reason for requesting a TPO and makes no mention of 'blocking' the proposed development. Moreover, any cutting down or carrying out of works on protected trees which is required to implement a full planning permission does not require the consent of the LPA under the TPO.

RECOMMENDATION

That TPO296 be confirmed, to ensure that the Sycamore trees continue to make a positive contribution to the visual amenity of this part of Leamington Spa and that any future works to the trees are able to be fully controlled.
