

Planning Committee: 12 December 2007
Application No: TPO 353

Item Number:

Town/Parish Council Leamington Spa

Case Officer Robert Toll
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16 Lansdowne Circus, Leamington Spa, Warwickshire, CV32 4SW
Provisional Tree Preservation Order: TPO 353 – 1 individual tree

(Refer to attached plan for specific tree)

The order was created in response to a notification of intention to fell the tree in a conservation area. The work was not deemed necessary.

The Tree Preservation Order took effect, on a provisional basis, on 26 September 2007 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, residents living in the vicinity of the Order have a right to make representations.

SUMMARY OF REPRESENTATIONS

- **Mr and Mrs Cox, 16 Lansdowne Circus, Leamington Spa, Warwickshire, CV32 4SW**

T1 Copper Beech – 16 Lansdowne Circus, Leamington Spa, CV32 4SW

- This middle aged woodland tree is totally out of place and detrimental to the unique set of Grade 2* properties that make up Lansdowne Circus as a whole. It is clear to me that the council's advising officer only considered the condition of the tree when forming his opinion. What he failed to do was to consider the impact that this oversized tree has in the context of its unique setting within the collection of Regency Grade 2* properties that make up Lansdowne Circus. We believe the tree unbalances the appreciation of the Circus as whole as it masks many of these Regency houses from view. The order itself describes the tree as "monumental" even though the tree is not yet fully grown, with an estimated further 50 years of growth. As a result the situation will only ever worsen.
- The usage of the rooms to the front of the house is obstructed by the impact of this tree such that electric lighting is required at all times of the day. Over the years the usage of rooms to the front of the property has been compromised by the tree and electric lighting is required at all times the rooms are in use. In an era where environmental impact of electricity use is an issue the granting of this Tree Preservation Order would prevent us minimising our electricity use.

Note: There is also an impact on the council electricity use as the street lighting under the tree is switched on during much of the day due to the density of the cast shadow.

- Measures taken to date to limit the size of the tree have proven counter-productive by promoting re-growth so exacerbating the second objection above. Three years ago the council permitted the reduction of the tree canopy (options suggested in the Tree Surgeons report). The result of this work was the promotion of both re-growth and new growth such that the canopy is now the size when the work was carried out. In addition the canopy has thickened considerably and the shadow cast by the tree has become more pronounced. We do not consider the tree size reductions options practical or affordable due to the proven short period over which they become totally ineffective.
- The likely impact to my property and those adjacent, in the event of this standalone tree falling, will be significant and costly. A concern is that this stand alone tree may be subject to greater wind load during storm conditions as a consequence of the inadvertent canopy thickening due to thinning actions taken to date. Over the last few years deteriorating weather patterns have been experienced, highlighted by localised violent storms etc. A concern held by both of us is the impact that this tree would have on our house and that of our neighbours in the event that it falls. This consideration, along with objections above may have an impact on the resale value of the properties affected by this tree if the Tree Preservation Order is granted. Under these circumstances compensation may be sought from the Council by a number of householders.
- The community (Lansdowne Circus Residents Association) support the tree removal as this will benefit the community as a whole. The Residents Association considered the impact of the proposed tree and there was community support for its removal. The view of the association was that this tree was “lovely to look from afar, but it is in the wrong place”. The association were of the opinion that “The tree alters the view of the Circus which views the planners have been anxious to preserve by imposing Grade 2 status
- **Professor and Mrs C Voss, 15 Lansdowne Circus, Leamington Spa, CV32 4SW**

T1 Copper Beech – 16 Lansdowne Circus, Leamington Spa, CV32 4SW

- Size – the tree is already very large and out of scale with the environment. Even with regular pruning it rapidly grows back to an even broader size. This is still a relatively young tree and it has potential for growth to a much greater size.
- Light – the size of the tree and its closeness to our house means that there is substantial loss of light both to our front living room and to the garden.
- Health and Safety due to physical proximity – Copper Beech trees have shallow roots and there is a risk that in a storm it can be uprooted and if it fell in our direction: because of its size now – let alone its future size – it could cause damage to our house and occupants.
- **Mrs C Venn, 18 Lansdowne Circus, Leamington Spa, Warwickshire, CV32 4SW**

T1 Copper Beech – 16 Lansdowne Circus, Leamington Spa, CV32 4SW

- Concern has been growing amongst those of us in the immediate vicinity, due to the massive size of the tree and its location. A huge forest-type tree of this nature should never have been planted in a small garden so close to a listed property. Should the tree come down at any time neighbouring houses will be severely damaged? Whilst it is a nice tree, it is simply far too large for the site.
- The tree blocks light to the properties in Lansdowne Circus
- The tree spoils the historic look of one side of Lansdowne Circus in contrast to the light open aspect of the opposite half.
- There are already plenty of trees in the area and in the central garden to keep the character of the Circus and I therefore support the owners' request to have the tree felled which will significantly improve the surroundings for all of us.
- **Mr and Mrs Barneveld, 1 Lansdowne Circus, Leamington Spa, Warwickshire, CV32 4SW**

T1 Copper Beech – 16 Lansdowne Circus, Leamington Spa, CV32 4SW

- The tree has over the years grown larger and larger until it now completely dominates the scene
- The tree blocks out light to nearby houses.
- It makes the whole panorama of the Circus out of balance
- An equally large Copper Beech in the Circus garden, but adjacent to our house used to deprive us of light. Luckily it died some years ago and had to be felled. The improvement to our amenities was most welcome. The same thing should happen to the tree outside no.16
- **Mr Giles Harrison-Hall, Chairman Lansdowne Circus Residents Association – 6 Lansdowne Circus, Leamington Spa, CV32 4SW**

T1 Copper Beech – 16 Lansdowne Circus, Leamington Spa, CV32 4SW

- The Beech tree outside No.16 has grown very large. Eighteen years ago it was large, but more on the scale of an overgrown apple tree. We understand that the tree is by no means fully grown.
- About three years ago, significant work was done, with the Council's permission, but that has stimulated the growth and it is larger than before the work was done.
- The general feeling of our meeting was that the tree is lovely to look at from afar, but it is in the wrong place. We feel that the Beech tree is inappropriate for its position. In effect, each house has a relatively small front garden. A large tree in a front garden is out of scale with the rest of Lansdowne Circus.
- The tree removes light from No.s 16 and 17 to the extent that the street light is switched on by its automatic switch long before those which are clear of the trees.

- The fact alone suggests that it is a legal nuisance because it detracts from the use and enjoyment of those three properties.
- The branches overhang the highway
- Elsewhere in Leamington some steps have been taken to prevent roosting birds from deterring pedestrians from using pavements. Such steps are now necessary outside No. 16. Most residents try to avoid parking underneath the tree because of the roosting pigeons.
- The tree alters the view of Lansdowne Circus which view the Planning department have been anxious to preserve by imposing Grade 2* status.
- If the tree were to fall, it is likely to cause damage, either to houses or to cars.

Mr and Mrs Swann – 17 Lansdowne Circus, Leamington Spa, CV32 4SW

- The Copper Beech spans completely across the easterly quadrant of the Lansdowne Circus road and across the gardens of No. 16 and 17 Lansdowne Circus houses themselves, and completely blocking the view of the eastern half of the Lansdowne Circus “street scene” The employment of words, such as – “dominant”; and “conspicuous” and particularly “monumental”; and “prominent position” – to describe this tree should have suggested to the authors that thought should obviously be given as to whether or not a tree with these attributes was ‘appropriate’, or ‘alien’ in the unique setting for the Grade 2 listed setting of Lansdowne Circus! Lack of any reference to this in filed papers implies that it was not.
- Lansdowne Circus was (and still is) of Grade 2 listed status because of its unique architectural quality. The essential feature is the group value of the identical pairs of Regency Houses on a strong balanced axis down the centre of the oval-shaped Garden. The architecture scale of the Circus (unlike Lansdowne Crescent) is not “monumental”. In the Circus, the individual pairs of houses which, together, make up the overall composition are surprisingly small, and the perceived character is essentially ‘domestic’ in scale. Whilst trees play an important part in contemplating the visual context of this type of architectural composition, they should not be allowed to block the view, and destroy the essential, symmetrical “balance” of the scene. Trees in this setting should preferably be of a “domestic species and scale, and mainly confined to the central Circus Garden. They should not block, or interfere with the ability to appreciate the overall vista of this important, historic architectural composition.
- The dense and oppressive canopy of the Tree substantially deprives us of adequate daylight all day and of any available sunlight in the afternoon and evenings. We are both retired, and spend long hours in the only sitting room, and in the principal bedroom – both at the front of the house. We are badly affected by these extremely adverse conditions. We currently feel deprived of our Human Rights; and of our natural ‘Right of Light’. Previous thinning and lopping of the tree had a beneficial effect for a short time, but soon became ineffective.

- We are fearful about potential danger to ourselves and our property. When the tree is buffeted by high winds, it shakes and heaves alarmingly towards the house. Its span exceeds the total footprint of our house, and its height is well above the ridge line. We are alarmed that if it was uprooted it could cause excessive damage to our property, and/or ourselves.
- As a matter of principle; fairness; and law, unless the 'General Public Interest' is clearly seen to be over-riding the owners wishes should prevail. In this case, as a result of publishing the Draft Order and inviting 'Comments' and 'Objections' to it, the local "Interest" in the issue has been made absolutely clear to the Council – on an ascending order of levels:-
 1. the Owners – After many years of trying to mitigate the problems caused by this tree, and having taken professional advice, the owners of the tree have submitted strong formal objections to the order, and want it to be felled for the reasons set out in their own objection, but also in the 'public' interest
 2. Immediately Adjoining Owners – (served with official Notices). Those most directly and adversely affected by the close proximity of this tree have also submitted strong formal objections to the order, citing their own, and issues of 'public' interest. I and they want the tree to be felled.
 3. Nearby Neighbours – The two property owners (No.s 1 and 17) most concerned about the unsatisfactory visual aspects of this case have individual objections and fully support the opposition to the order. They also want the tree to be felled.
 4. All Lansdowne Circus Residents – (At a meeting of the Residents Association on the 12th October 07) – members representing over 40 Circus residents unanimously resolved to oppose the order, and support the felling of the tree (citing "wrong place" for such a large tree, light deprivation, interference with the important view of the Circus architecture and potential damage – all matters of 'Public Interest'.
 5. The Viewing /Visiting General Public – This particular level of interest has not been canvassed, and cannot easily be determined. But the following facts are relevant: the Circus is secluded, not a main thoroughfare, the general public generally do not pass or visit it. Those that do so are normally groups of people who visit the Circus specifically for its architectural and conservation interest, or its historic/literary interest (Nathaniel Hawthorne's house). They/we suggest will find their ability to appreciate these important aspects of the Circus ambience diminished (rather than enhanced) by the presence of this over-dominant tree. There is certainly no significant 'arboricultural' interest in the Circus – nor is any needed. We surmise that the general public interest in preserving this particular tree – purely for its alleged amenity value would be virtually non-existent.

We therefore suggest that the public interest in this issue (at all 5 levels) is not in favour of confirmation of this Draft Order: that the

right of the owner of the tree, and the concerns of all those most affected by its detrimental attributes, should therefore prevail.

KEY ISSUES

T1 Copper Beech – 16 Lansdowne Circus, Leamington Spa, CV32 4SW

- **This middle aged woodland tree is totally out of place and detrimental to the unique setting of Grade 2* properties that make up Lansdowne Circus as a whole. It is clear to me that the council's advising officer only considered the condition of the tree when forming his opinion. What he failed to do was to consider the impact that this oversized tree has in the context of its unique setting within the collection of Regency Grade 2* properties that make up Lansdowne Circus. We believe the tree unbalances the appreciation of the Circus as whole as it masks many of these Regency houses from view. The order itself describes the tree as "monumental" even though the tree is not yet fully grown, with an estimated further 50 years of growth. As a result the situation will only ever worsen.**
- **Size – the tree is already very large and out of scale with the environment. Even with regular pruning it rapidly grows back to an even broader size. This is still a relatively young tree and it has potential for growth to a much greater size.**
- **Concern has been growing amongst those of us in the immediate vicinity, due to the massive size of the tree and its location. A huge forest-type tree of this nature should never have been planted in a small garden so close to a listed property. Should the tree come done at any time neighbouring houses will be severely damaged? Whilst it is a nice tree, it is simply far too large for the site.**
- **The tree has over the years grown larger and larger until it now completely dominates the scene**
- **The Beech tree outside No.16 has grown very large. Eighteen years ago it was large, but more on the scale of overgrown apple tree. We understand that the tree is by no mean fully grown.**

The council concedes that the tree is of a great size, which means that the tree is highly conspicuous and a prominent feature in Lansdowne Circus. Officers of the Council have visited the site and viewed the tree and consider that whilst it can only impact upon the outlook and amenity of the closest residential properties, at this point it is not considered to be interfering with enjoyment of the properties sufficiently to merit its felling. Considered management such as thinning the crown or performing remedial maintenance where and when necessary is the appropriate way to address these issues. Felling is unnecessary.

- **The usage of the rooms to the front of the house is obstructed by the impact of this tree such that electric lighting is required at all times of the day. Over the years the usage of rooms to the front of the property**

has been compromised by the tree and electric lighting is required at all times the rooms are in use. In an era where environmental impact of electricity use is an issue the granting of this Tree Preservation Order would prevent us minimising our electricity use.

Note: There is also an impact on the council electricity use as the street lighting under the tree is switched on during much of the day due to the density of the cast shadow.

- Light – the size of the tree and its closeness to our house means that there is substantial loss of light both to our front living room and to the garden.**
- The tree blocks out light to nearby houses.**
- The tree removes light from No.s 16, 16 and 17, to the extent that the street light is switched on by its automatic switch long before those which are clear of the trees.**
- The dense and oppressive canopy of the Tree substantially deprives us of adequate daylight all day and of any available sunlight in the afternoon and evenings. We are both retired, and spend long hours in the only sitting room, and in the principal bedroom – both at the front of the house. We are badly affected by these extremely adverse conditions. We currently feel deprived of our Human Rights; and of our natural ‘Right of Light’. Previous thinning and lopping of the tree had a beneficial effect for a short time, but soon became ineffective.**
- The tree blocks light to the properties in Lansdowne Circus**

In law, the occupiers of properties have no automatic right to light.

It is also relevant to consider that the loss of light to property caused by a deciduous tree such as that the subject of this report generally occurs in the spring and summer months and is reduced when it loses its leaves in winter. In addition, works to thin this tree had a beneficial effect for a time and a course of action such as this may assist in abating the problem as an alternative to felling a highly prominent tree.

The making of a tree preservation order does not preclude the possibility of measured remedial works to address issues such as that experienced with the street lamp.

The Council's policy for their own trees states that a window has to be less than 6m from the tree's stem or less than 2m from the edge of the canopy before pruning to address light loss will be considered. In this case the stem is around 8-9m from the building.

With regard to loss of human rights, it is the nature of all planning controls that they curtail the rights of property owners. This is done in the interests of the wider community. This is as true of TPOs as of conservation areas, listed buildings and all other areas of planning law. In this particular instance, Mr Swann's rights are not in fact curtailed since he is not the owner of the tree and has therefore no right to do with it as he pleases.

- **Measures taken to date to limit the size of the tree have proven counter-productive by promoting re-growth so exacerbating the second objection above. Three years ago the council permitted the reduction of the tree canopy (options suggested in the Tree Surgeons report). The result of this work was the promotion of both re-growth and new growth such that the canopy is now the size when the work was carried out. In addition the canopy has thickened considerably and the shadow cast by the tree has become more pronounced. We do not consider the tree size reductions options practical or affordable due to the proven short period over which they become totally ineffective.**
- **About three years ago, significant work was done, with the Council's permission, but that has stimulated the growth and it is larger than before the work was done.**

As has been stated above, the undertaking of such work on a regular basis may constitute an alternative to the felling of the tree. Any pruning work to a tree can result in re-growth as this is a tree's natural response. A recommendation in the report from the private consultant Mr John Crawshaw also states that this course of action could help to let through some light through to the properties without adversely affecting the tree. A Tree Preservation Order does not prevent necessary and reasonable work. In this instance it is considered that the removal of the tree was not reasonable or necessary and as such the TPO was created.

- **The likely impact to my property and those adjacent, in the event of this standalone tree falling, will be significant and costly. A concern is that this stand alone tree may be subject to greater wind load during storm conditions as a consequence of the inadvertent canopy thickening due to thinning actions taken to date. Over the last few years deteriorating weather patterns have been experienced, highlighted by localised violent storms etc. A concern held by both of us is the impact that this tree would have on our house and that of our neighbours in the event that it falls. This consideration, along with objections above may have an impact on the resale value of the properties affected by this tree if the Tree Preservation Order is granted. Under these circumstances compensation may be sought from the Council by a number of householders.**
- **Health and Safety due to physical proximity – Copper Beech trees have shallow roots and there is a risk that in a storm it can be uprooted and if it fell in our direction: because of its size now – let alone its future size – it could cause damage to our house and occupants.**
- **If the tree were to fall, it is likely to cause damage, either to houses or to cars.**
- **We are fearful about potential danger to ourselves and our property. When the tree is buffeted by high winds, it shakes and heaves alarmingly towards the house. Its span exceeds the total footprint of our house, and its height is well above the ridge line. We are alarmed that if it was uprooted it could cause excessive damage to our property, and/or ourselves.**

The tree appears to be in excellent health and this view is reiterated in the consultant's report. No problems have been identified that suggest that this tree is any more likely to fail than any other in the urban area. Although there have been freak occurrences of 'localised violent storms' this does not result in the felling of every tree due to proximity to buildings, crowded public areas etc. The felling of the tree on the basis that the tree could fail, with no clear evidence of this being more likely than with any other tree, is not a sufficient reason to fell such a conspicuous tree. If evidence was provided showing a significant risk of failure then there would be due consideration given to the situation.

The effect on the resale of houses whilst important cannot be considered as part of the justification for the felling of a tree.

- **The community (Lansdowne Circus Residents Association) support the tree removal as this will benefit the community as a whole. The Residents Association considered the impact of the proposed tree and there was community support for its removal. The view of the association was that this tree was "lovely to look from afar, but it is in the wrong place". The association were of the opinion that "The tree alters the view of the Circus which views the planners have been anxious to preserve by imposing Grade 2 status**
- **The tree spoils the historic look of one side of Lansdowne Circus in contrast to the light open aspect of the opposite half.**
- **It makes the whole panorama of the Circus out of balance**
- **The general feeling of our meeting was that the tree is lovely to look at from afar, but it is in the wrong place. We feel that the Beech tree is inappropriate for its position. In effect, each house has a relatively small front garden. A large tree in a front garden is out of scale with the rest of Lansdowne Circus**
- **The Copper Beech spans completely across the easterly quadrant of the Lansdowne Circus road and across the gardens of No. 16 and 17 Lansdowne Circus houses themselves, and completely blocking the view of the eastern half of the Lansdowne Circus "street scene" The employment of words, such as – "dominant"; and "conspicuous" and particularly "monumental"; and "prominent position" – to describe this tree should have suggested to the authors that thought should obviously be given as to whether or not a tree with these attributes was 'appropriate', or 'alien' in the unique setting for the Grade 2 listed setting of Lansdowne Circus! Lack of any reference to this in filed papers implies that it was not.**

Government advice on the protection of the historic environment included in Planning Policy Guidance Note 15 advises Local Planning Authorities to take into account the visual, historic and amenity contribution of trees in conservation areas. The council's Conservation Architect has been consulted and has indicated that the tree is a significant part of the landscape of Lansdowne Circus and relates well to the other mature trees in the vicinity, which now represent a longstanding informal arrangement of planting. Whilst it is not an original planting within the Circus, this is no justification

for its removal. Our records show that whilst the tree has grown over time, there has only been one request to undertake remedial works to it..

Rather than over dominate, the tree is considered to be an integral part of the vista and character of the Circus. It is considered that the informal arrangement of trees within the Circus assist in drawing attention away from the less formal architectural layout of the south side of the Circus that includes no. 18 which is of different character.

- **The tree alters the view of Lansdowne Circus which the Planning Department have been anxious to preserve by imposing Grade 2* listed status.**
- **Lansdowne Circus was (and still is) of Grade 2 listed status because of its unique architectural quality. The essential feature is the group value of the identical pairs of Regency Houses on a strong balanced axis down the centre of the oval-shaped Garden. The architecture scale of the Circus (unlike Lansdowne Crescent) is not “monumental”. In the Circus, the individual pairs of houses which, together, make up the overall composition are surprisingly small, and the perceived character is essentially ‘domestic’ in scale. Whilst trees play an important part in contemplating the visual context of this type of architectural composition, they should not be allowed to block the view, and destroy the essential, symmetrical “balance” of the scene. Trees in this setting should preferably be of a “domestic species and scale, and mainly confined to the central Circus Garden. They should not block, or interfere with the ability to appreciate the overall vista of this important, historic architectural composition.**

The Circus is not symmetrical as no. 18 is of a different architectural style to the remainder of the properties. This and other trees within the Circus make a significant contribution to the character of the area and are not considered to be out of scale with the built development..

- **There are already plenty of trees in the area and in the central garden to keep the character of the Circus and I therefore support the owners request to have the tree felled which will significantly improve the surroundings for all of us.**

There are trees in the centre garden; however the majority of the larger specimens have now been removed. The Copper Beech should not be allowed to be removed just because it is outside of the planting area. In its own way it adds to the amenity and character of the area as stated.

- **An equally large Copper Beech in the Circus garden, but adjacent to our house used to deprive us of light. Luckily it died some years ago and had to be felled. The improvement to our amenities was most welcome. The same thing should happen to the tree outside no.16**

That Copper Beech was removed because it was dead, a scenario beyond the control of the District Council. In contrast, the Copper Beech outside of 16 Lansdowne Circus is perfectly healthy as highlighted by the Council's Tree Officer and an independent consultant hired by the owner of the tree.

The TPO takes into account the wider community, including the general public who visit the site to enjoy the architecture and historical significance. Although there would be some improvement to light, it is deemed that the effect on the wider general public would be negative.

- **The fact alone suggests that it is a legal nuisance because it detracts from the use and enjoyment of those three properties.**

Recent case law has clearly indicated that the exemption from TPO control that applies to work needed to abate a nuisance only applies where that nuisance is actionable. There is no evidence of actionable nuisance in this instance.

- **The branches overhang the highway**

If the branches overhang the highway and are becoming an inconvenience to passing vehicles then an application to carry out the necessary pruning work can be submitted to the council. It does not require the removal of the tree.

- **Elsewhere in Leamington some steps have been taken to prevent roosting birds from deterring pedestrians from using pavements. Such steps are now necessary outside No. 16. Most residents try to avoid parking underneath the tree because of the roosting pigeons.**

Removing the tree because of birds roosting in it is not reasonable, necessary or proportionate. If this is a problem, a solution may be to use some kind of decoy or consult a specialist in pest control.

- **As a matter of principle; fairness; and law, unless the ‘General Public Interest’ is clearly seen to be over-riding the owners wishes should prevail. In this case, as a result of publishing the Draft Order and inviting ‘Comments’ and ‘Objections’ to it, the local “Interest” in the issue has been made absolutely clear to the Council – on an ascending order of levels:-**

1. **the Owners – After many years of trying to mitigate the problems caused by this tree, and having taken professional advice, the owners of the tree have submitted strong formal objections to the order, and want it to be felled for the reasons set out in their own objection, but also in the ‘public’ interest**
2. **Immediately Adjoining Owners – (served with official Notices). Those most directly and adversely affected by the close proximity of this tree have also submitted strong formal objections to the order, citing their own, and issues of ‘public’ interest. I and they want the tree to be felled.**
3. **Nearby Neighbours – The two property owners (No.s 1 and 17) most concerned about the unsatisfactory visual aspects of this case have individual objections and fully support the opposition to the order. They also want the tree to be felled.**

4. **All Lansdowne Circus Residents – (At a meeting of the Residents Association on the 12th October 07) – members representing over 40 Circus residents unanimously resolved to oppose the order, and support the felling of the tree (citing “wrong place” for such a large tree, light deprivation, interference with the important view of the Circus architecture and potential damage – all matters of ‘Public Interest’.**
5. **The Viewing /Visiting General Public – This particular level of interest has not been canvassed, and cannot easily be determined. But the following facts are relevant: the Circus is secluded, not a main thoroughfare, the general public generally do not pass or visit it. Those that do so are normally groups of people who visit the Circus specifically for its architectural and conservation interest, or its historic/literary interest (Nathaniel Hawthorne’s house). They/we suggest will find their ability to appreciate these important aspects of the Circus ambience diminished (rather than enhanced) by the presence of this over-dominant tree. There is certainly no significant ‘arboricultural’ interest in the Circus – nor is any needed. We surmise that the general public interest in preserving this particular tree – purely for its alleged amenity value would be virtually non-existent.**

We therefore suggest that the public interest in this issue (at all 5 levels) is not in favour of confirmation of this Draft Order: that the right of the owner of the tree, and the concerns of all those most affected by its detrimental attributes, should therefore prevail.

Although there have been a number of objections to the making of the TPO, it is considered that the wider public interest extends beyond the residents of the Circus and includes visitors to the site and passers by. Furthermore, a number of more general benefits arise from mature trees including their role in absorbing particulate pollution, sequestering carbon and in contributing to cooling the urban area. It is considered that the people who visit as part of groups looking at the architecture and Nathaniel Hawthorne’s house will appreciate the overall character of the area of which the tree is an integral element.

CONCLUSION

The Beech is a superb specimen tree that significantly enhances the character of Lansdowne Circus. It brings wide ranging benefits to the community as a whole. The proposed felling is disproportionate to the minor inconvenience it causes and there are alternative options available to address any such problems.

RECOMMENDATION

That the TPO be **confirmed** to protect T1 Beech – 16 Lansdowne Circus, Leamington Spa, CV32 4SW
