

Planning Committee: 15 September 2021

Item Number: 8

Application No: TPO 567

Town/Parish Council:
Case Officer: Gary Fisher

Registration Date:
Expiry Date:

Land to the rear of 22-25 The Spinney,
Leamington Spa, CV32 6ED

Confirmation of Provisional Tree Preservation Order relating to a Beech Tree

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

RECOMMENDATION

Planning Committee is recommended to authorise officers to confirm TPO 567.

BACKGROUND

The Council was made aware on 18 January of an interest to reduce the mass of a large and mature beech tree on land to the rear of 22 – 25 The Spinney; following an exchange of correspondence and a site visit the beech tree was made subject of an Order.

The proposed crown reduction was considered unacceptable on technical grounds; the reduction of a beech can lead to damage as the bark on the inner branches tends to be thin, and when exposed to sunlight it becomes damaged with a loss of function. That risk may be controlled if the work is carried out when the days are short, from November to January.

ASSESSMENT

The beech is a very large and mature specimen of good overall form and structure, the radial branch spread seemed to be uniform at 9m to north, east and south but slightly reduced to the west at around 7m.

The tree's scale and mass provide a very significant public amenity. It is clearly visible on the approach to the property from along The Spinney over the rooftops, as well as from neighbouring properties on either side of the railway, including Goodfellow Street to the west and Highfield Terrace and Acacia Road to the east. It appears to be in good health with a retention span 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 beech tree scored 17; 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.

OBJECTIONS

The Council has received 4 objections to the making of the Order, from each of the properties beneath the tree's canopy. In summary the objections are:

1. the size of the tree, and the liveability issues that followed from that given its proximity to the dwellings, and that the tree's owner (AC Lloyd) has not maintained the tree
2. the inconvenience to the householders balanced against the public benefit
3. the Order seemed to be a disproportionate response
4. a concern for the potential for subsidence damage

KEY ISSUES

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

The effect of the TPO is to allow the Council a measure of control over work to a protected tree in order to protect the amenity value that it provides.

In response to the objections raised:

1. The tree was undoubtedly substantial, but crown reduction at the wrong time of year could lead to further and progressive damage. The liveability issues included shade, falling leaves and branches, the loss of soil moisture.
2. The private inconvenience for the four households is to be regretted, especially as the tree has not been maintained by the owner since at least 1970 according to one of the objectors, but in view of the overall imbalance in the carbon economy we should be discouraging inappropriate works to healthy mature trees.
3. The serving of the Order was the only mechanism available to prevent the works proposed. The effect of the TPO is not to prevent work, merely to allow the local planning authority oversight and to grant consent for appropriate work, which in this case would include a crown reduction over-winter.
4. The objector has not provided evidence to support the allegation that the tree might be responsible for structural damage to their property. The tree is considerably older than the properties and they have coexisted during notable drought years including 1976, 1990, 1995, 2003, 2006, 2011 and most recently 2018.

SUMMARY/CONCLUSION

It is not considered that the issues raised in objection to the TPO are sufficient to outweigh the significant amenity contribution which the beech tree makes to the surrounding area and therefore it is expedient to confirm this TPO.