

Tree Sub Committee: 9 February 2011
Application No: TPO 444

Item Number: 6

Town/Parish Council: Leamington Spa

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Provisional Tree Preservation Order: TPO 444 – 60 Brandon Parade, Holly Walk,
Leamington Spa
6 x Lime Trees

1.0 Introduction

- 1.1 A Provisional Tree Preservation Order has been made in respect of the trees the subject of this report. The TPO is made following the receipt of a Conservation Area Notification proposing the felling of 3 of the trees and the crown lifting and crown reduction of 2 of them.
- 1.2 That Order (TPO 444) initially took effect, on a provisional basis on 22 September 2010 and remains in force for a period of six months or until the Order is confirmed by the Council, whichever first occurs.
- 1.3 In order to assist the Council in deciding whether the Order should be confirmed, local residents and other interested parties in the immediate vicinity were invited to make representations in relation to the provisional Order. The following responses have been received:-

2.0 Summary of Representations

- 2.1 Stepnell Ltd on behalf of Jelmac Estates, the owners of the property object to the making of the Order for the following reasons:-
 - The trees have grown to an unmanageable size and are causing structural defects to a boundary wall structure.
 - They result in the loss of artificial light in the area by means of the shielding of a street light and problems to the occupants of the site arising from their mature and unmaintained condition.
- 2.2 Attention is drawn to correspondence from A One Tree Surgeons and Fencing which is submitted with the objection and includes the following:-
 - The trees overhang the footpath and road almost striking the property opposite.
 - There is a significant amount of deadwood which falls onto parked vehicles.
 - The base of the trees are close to a 19th Century listed wall causing major upheaval, cracking and loose brickwork.
 - The danger from one of the trees has resulted in part of the wall being forced off its footings and subsequently removed.
 - It is recommended that T6 be removed to allow access to repair the wall;

that the remainder be reduced in height to 1.5 metres above the adjacent street light; and that all overhanging material and deadwood is removed.

3.0 Key Issues

- 3.1 The trees in question comprise mature lime trees of substantive height and an estimated life expectancy of between 30 -50 years. They are prominently located in a street edge position within the curtilage of a Listed Building close to the centre of Leamington Spa. By reason of their stature and character they make a significant contribution to the character and appearance of the Leamington Spa Conservation Area within which they are located.
- 3.2 The Tree Preservation Order has been made in order to ensure that they continue to be protected and to ensure that any works that are undertaken balance the amenity value of the trees with the consideration of the reason for those works.
- 3.3 The trees are of substantive size and there is evidence of structural damage to an immediately adjacent unlisted boundary wall. However, the technical building control advice received is that there is no reason to suggest that an appropriate solution involving the rebuilding of the wall and the retention of the trees could not be found.
- 3.4 The trees are also located adjacent to a street lamp which during the spring and summer months is overhung by branches significantly reducing its effectiveness. However, the confirmation of the Tree Preservation Order would not prevent the consideration and implementation of an appropriate solution.
- 3.5 The removal of deadwood from the trees can be undertaken without the need for consent however the removal of all overhanging material would be likely to materially impact on their amenity value.

4.0 Assessment

- 4.1 The effect of making the Tree Preservation Order is to bring future proposals for works to the trees within the control of the District Council. The current protection afforded by the trees location within the Leamington Spa Conservation Area only enables the Council to prevent inappropriate proposals by making a Tree Preservation Order.
- 4.2 The confirmation of the Tree Preservation Order so as to provide for the continued protection of the trees would not prevent the submission and consideration of further applications for works to the trees. However, should the Tree Preservation Order not be confirmed, the felling; crown reduction and crown lifting proposed in the initial Conservation Area notification could be undertaken without the need for further consent.
- 4.3 Your arboriculturist considers that the notified works go significantly beyond that required in the circumstances here and would substantially impact upon the amenity value of this group of trees within the street scene. It is also noted that in seeking to remedy the condition of the adjacent wall, there is no evidence of the consideration of solutions which do not involve the felling of

some of the trees.

- 4.4 On balance, I do not consider that the issues raised by way of objection to the making of this TPO are sufficient to outweigh the amenity benefits arising from the presence of the trees..

5.0 Recommendation

- 5.1 That the Tree Preservation Order 444 be **confirmed** to protect the lime trees the subject of this report.
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