

Planning Committee: 29 March 2022

Item Number: 9

Application No: TPO 571

Town/Parish Council: Warwick

Registration Date: N/A
Expiry Date: N/A

Case Officer: Gary Fisher

Nelson Club Car Park, Charles Street, Warwick, CV34 5LE
Confirmation of Provisional Tree Preservation Order
relating to two London Plane trees

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

RECOMMENDATION

Planning Committee is recommended to authorise Officers to confirm TPO 571.

BACKGROUND

On 8 November 2021 the Local Planning Authority (LPA) received a notification to fell the two mature London Plane trees (ref: W/21/2052/TCA). The notification stated that the trees were large and causing a lot of shade over the tarmac car park. The notification also referred to the removal of the trees as a preventative measure to avoid damage to the tarmac, that had not yet occurred.

In the absence of sound and justified reasons for the removal of the trees, Officers have proceeded to protect the trees considered to be of amenity value by the serving of this Order.

ASSESSMENT

The two London Plane trees are attractive specimens of good vigour and of reasonable overall form and structure. T1 has a stem diameter of 600mm, T2 is slightly larger at 800mm diameter. The radial crown spread of both is up to 8m. T1 stands at approx. 15m tall, T2 is slightly taller at circa 16m tall.

The trees’ prominent public location means that they are both readily visible as a feature in the landscape from a wide range of public viewpoints, and so they provide both an individual and collective contribution toward the local amenity. The trees appear to be in good overall health with a retention span of at least 40 years.

The Council’s Arboricultural Consultant has assessed the trees for their TPO quality using the nationally recognised TEMPO method of assessment, and they scored 20; 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 considers it expedient to make a provisional TPO under section 198 of the Town and Country Planning Act.

OBJECTIONS

The Council has received an objection to the making of the Order from The Nelson Club, and in summary the objections are:

1. The trees' canopies block lines of site for CCTV cameras.
2. The CCTV was installed to deter fly tipping and other anti-social behaviours.
3. The expanding tree roots have damaged the car park surface, and further progression of such damage would be costly to repair and may give rise to litigation should patrons' vehicles be damaged by the raised tarmac.

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 value to justify a TPO, and whether the public benefit afforded by them outweighs the inconvenience that may arise from obscured camera angles or damage to the car park surface.

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 trees are undoubtedly substantial, and their canopies of leaves should have been predicted to be a likely obstruction to CCTV lines of sight when the cameras were sited.
2. The failure of the cameras to deter anti-social behaviours is a reflection of the siting of the cameras rather than the growth of the trees' crowns and canopies. Moreover, the trees are out of leaf for several months of the year when the days are short and there might be an assumption that anti-social behaviours might increase and so their canopies would not obstruct the cameras during those months.
3. The photographic evidence of car park damage provided shows one expanding root locally lifting the tarmac, and whilst no scale is provided a reasonable interpretation of the photo would suggest that the deformation is minor.

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 two trees make to the surrounding area and therefore it is considered expedient to confirm this TPO.