**Planning Committee:** 12 October 2021 **Item Number:** 10

**Application No:** TPO 570

**Town/Parish Council:** Leamington Spa
**Case Officer:** Gary Fisher

Land between 8 and 10 Jasmine Grove,
Leamington Spa CV32 5FP
Confirmation of Provisional Tree Preservation Order relating to an Ash Tree

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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 570.

## BACKGROUND

In July the Council became aware on of an interest to remove the attractive immature ash tree on the open land between the two dwellings at 8 and 10 Jasmine Grove; following an exchange of correspondence and a site visit the tree was made subject of an Order.

The proposed removal was considered to be unacceptable as it would remove an attractive tree from the locality and so have a negative impact upon the visual amenity of the immediate neighbourhood; because of the tree's location it is readily visible from both the public realm and private properties.

## ASSESSMENT

The immature ash tree is a very large and attractive specimen of reasonable vigour, of good overall form and structure. The tree's location, scale and mass means that it is readily visible as a feature in the landscape from a wide range of public viewpoints, and the tree has presence as well as a significant local amenity impact. The tree appears to be in good overall health with a retention span of in excess of 40 years.

The Council's Arboricultural Consultant assessed the tree for its TPO quality using the nationally recognised TEMPO method of assessment. The ash 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 1 objection to the making of the Order, from the owner of the land and the property at 10 Jasmine Grove. In summary the objections are:

1. the tree was not under threat, and
2. the need for on-going maintenance

## 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. If there is no threat to the tree from the current owner then the serving of the Order will not be an inconvenience, but the Order would be in place if ownership were to change in the future.
2. The Order does not remove the responsibility of the tree owner to maintain the tree at their own expense.

## 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 ash tree makes to the surrounding area and therefore it is expedient to confirm this TPO.