

PROOF OF EVIDENCE – ARBORICULTURE
BY DAVID GOWER ON BEHALF OF THE LOCAL PLANNING AUTHORITY (CD5.11)



LPA REFERENCE	R24/0111
APPEAL REFERENCE	APP/E3715/W/25/3373251
DATE OF INQUIRY	January 2026
SITE ADDRESS	Land North of Rounds Gardens, Rugby
DESCRIPTION OF DEVELOPMENT	Redevelopment of the former football pitch and tennis courts associated with the adjacent employment use, including demolition of the existing pavilion and all other remaining structures and enclosures relating to the previous use of the site; and the erection of 115 dwellings, accesses, landscaping, parking, drainage features and associated works.
APPELLANT	St. Modwen Homes
LOCAL PLANNING AUTHORITY	Rugby Borough Council

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1. INTRODUCTION

Qualifications and Experience

- 1.1 My name is David Gower. I hold a Bachelor of Science (Honours) Degree in combined studies (Geography and Environmental Studies) from Liverpool Hope University, a HND in Arboriculture from Harper Adams University, and a graduate diploma in Landscape Architecture from Birmingham University. I am a LANTRA certified professional Tree inspector and I am a professional member of the Arboricultural Association.
- 1.2 I have 20 years experience of working in town planning within Local Planning Authority (“LPAs”) dealing with trees and landscape issues. I have been Arboricultural Officer at Rugby Borough Council (“the Council”) since 2005. Within this role I am responsible for managing Council owned tree stock as well as dealing with trees and landscape issues within the planning system.
- 1.3 The evidence which I have prepared and provide for this appeal (reference APP/E3715/W/25/3373251) is true and has been prepared and is given in accordance with the guidance of my professional institution. I confirm that the opinions expressed are my true and professional opinions.

Scope of Evidence

- 1.4 This proof of evidence addresses tree issues and evaluates the planning balance pertaining to the proposed scheme.
- 1.5 The LPA reserves the right to consider and respond to issues raised by the appellant in the submission of their evidence.

2. PROPOSED DEVELOPMENT

- 2.1 The planning application subject of this appeal was for the redevelopment of the former football pitch and tennis courts associated with the adjacent employment use, including demolition of the existing pavilion and all other remaining structures and enclosures relating to the previous use of the site; and the erection of 115 dwellings, accesses, landscaping, parking, drainage features and associated works.
- 2.2 The Council refused the application in March 2025. One of the reasons being the negative impact on trees which is protected by virtue of Tree Preservation Order (TPO).

3. DESCRIPTION OF THE SITE AND SURROUNDINGS

- 3.1 In summary, the site comprises of an area of land north of Rounds Gardens comprising a former football pitch and tennis courts associated with the adjacent employment use. There is an also an existing pavilion and other remaining structures and enclosures relating to the previous use of the site. The site is surrounded by built development which predominately comprises of residential dwellings.

4. THE CASE FOR THE LOCAL PLANNING AUTHORITY

Reason for Refusal 5 – Trees

- 4.1. Reason for refusal 5: The proposals include the removal of T149-164 (Category A - high quality London Plane) which is a significant group and a prominent feature within the street scene which contributes positively. This would be detrimental to the character of the area alongside the loss of a further category A tree and 12 category B trees. The proposal is therefore considered to be contrary to Policy SDC2 of the Local Plan (2019) and paragraph 136 of the National Planning Policy Framework (2024).
- 4.2. In relation to policy NE3 and SDC2, the proposed development would fail to protect and enhance existing protected trees on the appeal site. These trees are significant landscape features which are not appropriately respected or integrated into the design and layout of the proposed development.
- 4.3. The Arboricultural Impact Assessment (AIA) submitted by the applicant to support the application states in 1.3.4 that “the sites principal trees comprise assemblages of high quality Lime and London Plane trees”. Also, in 1.3.5 “the most important features comprise a linear arrangement of mature Lime which occupy the application area’s eastern boundary, a crescent shaped avenue of Limes which bisects the site from north to south and a cohesive collection of London Plane within the central western extent of the site.” The London Plane Trees numbered T149-164 are proposed to be removed to facilitate the scheme. 11 of these trees are protected by virtue of a Tree Preservation Order (TPO). The AIA classifies that these trees are “A2” as per the recommendations BS5837:2012 (Trees in relation to design, demolition and construction). “A2” trees are “Trees of high quality with an estimated remaining life expectancy of at least 40 years with particular visual importance as landscape features”. The reasons given were “unavoidable” to accommodate “a high-density residential development”.

- 4.4. T11 Lime (also a TPO tree) classified as Category A (high quality) and principal component of a group of Lime trees and of “high collective value” is proposed to be removed. I previously recommend that two housing plots be omitted at this location to achieve successful tree retention, but this has not been achieved.
- 4.5. To the rear of Princes Street there are a group of 3 TPO birch trees, 2 of which are in decline (trees labelled 95 and 97 in the tree report). The remaining Birch tree (labelled 96) is in moderate condition (Category B) and still has the potential to contribute positively within the context of new development. I previously recommended that the relationship between proposed new development and the retention of tree 96 be looked at again to ensure successful retention but this has not been achieved.
- 4.6. The proposed tree losses are significant both within the context of the application site and surrounding area where views are possible from various locations e.g. Princes Street, York Street and Edward Street. There is generally a lack of mature tree cover and open space provision within the ward of New Bilton which is characterised by high density terraced housing primarily from the Victorian era.
- 4.7. The AIA in 4.2.4 places emphasis on ground levels which has a direct bearing on the placement of SuDs and the “deliverability of tree retention” and the “unavoidable need to adjust ground levels, inevitably resulting in a wider effect on tree removal”. The AIA also states that “design has progressed on the basis that SuDs are proposed within the lowest point of the site, enabling higher ground (occupied by TPO trees) to be retained and undisturbed. However, the Lime (T11) and Group of London Plane trees (T149-164) which are proposed for removal are located on raised embankments. The tree schedule for the AIA in “comments” states for the Plane trees “component of linear collection of London Planes situated on an embankment”. Therefore, this is contrary to 4.2.4 of the AIA.
- 4.8. Mitigation planting is proposed (2 for 1) but I feel this insufficient to outweigh the proposed loss of this established tree resource. TPO trees are established features. Replacement trees will take many years to replicate the environmental and visual

qualities of the TPO trees proposed for removal. In the case of the plane trees, housing replaces TPO trees, therefore it is impossible to mitigate tree loss to the western extent of the site. No attempt has been made to incorporate the TPO trees into the scheme.

5. CONCLUSION

- 5.1. The existing trees (and especially the Lime and London Plane trees) on site (much of which is protected by Tree Preservation Order) represent significant landscape features and major site asset within the context of the local area and development site. They offer considerable value in terms of visual amenity, biodiversity and site screening benefits. The submitted design scheme does not comply fully with the recommendations of BS5837:2012 (Trees in relation to design, demolition and construction – Recommendations) the purpose of which to enable a successful juxtaposition between retained tree stock and the new built form. Existing trees are an important factor on construction sites and are a material consideration in the UK planning system. They have many environmental benefits to new developments. BS5837:2012 sets out the key constraints in relation to tree size, form and roots with the objective being to achieve a harmonious relationship between trees and new structures that can be sustained in the long term. Within the applicants AIA, TPO trees proposed for removal are categorised “A12” trees as per BS5837:2012. This translates as trees of “high quality with an estimated remaining life expectancy of at least 40 years.” Emphasis must be placed on retaining those high quality trees. Therefore, the proposal is consequently contrary to policies NE3 and SDC2 of the Local Plan and 15 (Conserving and enhancing the natural environment) of the NPPF.