

Agenda Item No 7

Planning and Development Board

10 June 2019

**Report of the Head of
Development Control**

**Emergency Tree Preservation
Order – Bassetts Pole**

1 Summary

- 1.1 The report seeks confirmation of action taken to make an Emergency Tree Preservation Order

Recommendation to the Board

That the action taken in making this Order be confirmed.

2 Consultation

- 2.1 Consultation took place with both the Board Chairman and Vice-Chairman before the Order was made.

3 Background

- 3.1 The Council received a Prior Notification application for the demolition of number 99 London Road, south of Bassetts Pole opposite the junction with Withy Hill Road. This is a small detached residence set well back from the road but located within the corner of a large area of woodland. This is a designated Ancient Woodland.

- 3.2 It was unclear from the Notification application if trees within the curtilage were to be removed at the same time as the proposed demolition. As a consequence the Council's Tree Officer was asked to inspect the site and he concluded that the trees within the curtilage were the same species as within the adjoining woodland.

- ... 3.3 His assessment of the trees was that an Order was justified. The TEMPO form is attached at Appendix A. Importantly the trees were seen as a buffer zone on the edge of the Woodland. Being adjacent to the main London Road there was high public visibility.

- ... 3.4 As a consequence he recommended that an Order be made and in view of the Notification application, that it should be done swiftly. The Chairman and Vice-Chairman were both consulted and with neither having an objection, the Order was made under emergency powers. A copy of the Order is attached at Appendix B.

3.5 A period of consultation will now take place.

3.6 The Prior Notification application was subsequently approved following the service of the Order.

4 Report Implications

4.1 Finance and Value for Money Implications

4.1.1 There is no implication arising from the making of the Order, but Members are aware that in certain circumstances, compensation may be paid if Consent is refused for works to be undertaken to the protected trees.

4.2 Links to Council's Priorities

4.2.1 The conservation of the Borough's rural heritage is one of its priorities as reflected in the Development Plan.

The Contact Officer for this report is Jeff Brown (719310).

Background Papers

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

Background Paper No	Author	Nature of Background Paper	Date

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO)

SURVEY DATA SHEET & DECISION GUIDE

Date: 31st May 2019. Surveyor: A. WATKINS.

Tree details
 TPO Ref (if applicable):
 Owner (if known):

Tree/Group No:
 Location: 99 London Road, Bessels Pile, BT76 6T2

Species: OAK, HEDERA, PINE, BUSH, HAWTH, SPERDIS, HEMLOCK, ASH.

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead Unsuitable
- 0) Dying/dangerous* Unsuitable

Score & Note: 3 TREES IN NATURAL STATE, LITTLE TO NO REMEDIAL WORKS UNDERTAKEN OR REQUIRED.

* Relates to existing context and is intended to apply to severe irremediable defects only.

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10* Unsuitable

Score & Note: 4 TREES SHOW NO SIGNS OF NO MEETING THE MINIMUM AGE OF RANGE.

* Includes trees which are an existing or near future nuisance, including those clearly overgrowing their context, or which are significantly negating the potential of other trees of better quality.

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

- 5) Very large trees with some visibility, or prominent large trees
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Note: 3 MINIMUM OF A NUMBER OF THE TREES FROM PUBLIC HIGHWAY.

d) Other factors

Trees must have accrued 7 or more points (with no zero scores) to qualify.

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or members of groups important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Note: 3 TREES WITHIN THE BUFFER ZONE OF ADJACENT ANCIENT WOODLAND.

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Note: 3 HOUSING LAND SET TO BE DEMOLISHED WITH HIGH POTENTIAL FOR TREES TO REMOVED AT THE SAME TIME.

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total:
16

Decision:
DEFINITELY MERITS TPO.



IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (TREES PRESERVATION) (ENGLAND)
REGULATIONS 2012**

**NORTH WARWICKSHIRE BOROUGH COUNCIL
(99 London Road, Bassetts Pole, B75 6JZ)
TREE PRESERVATION ORDER 2019**

THIS IS A FORMAL NOTICE to let you know that on 2nd June 2019 we made the above tree preservation order. A copy of the order is enclosed. In simple terms, no one is allowed to cut down, top or lop without our permission the trees described in the 1st Schedule of the order and shown on the map.

The order came into force, on a temporary basis, on 2nd June 2019, and will remain in force for six months. During this time we will decide whether the order should be given permanent status.

This Order has been made to protect trees described in the 1st Schedule of the Order and shown on the map. A Prior Notification has been presented to North Warwickshire Borough Council ("the council") for the removal of a detached property upon the land and there is a very high potential that a number of the trees within the 1st Schedule are detailed for removal. An inspection was undertaken by the Council's Green Space Officer (Trees). His TEMPO assessments indicate that the trees within this area definitely merit protection. A number of the trees within the area are not within the direct view of the general public but do provide an environmental benefit to the site as a whole. The site is adjacent to an Ancient Woodland and the site and its flora mirror exactly the species represented within the previously mentioned Woodland. The trees are semi-mature to mature in age class; they do add a considerable value to the edge of town environment which is important in terms of public amenity and the setting of the location in general. A high number of the trees fall within the designated buffer zone of the Woodland and their continued presence upon the site will add to the protection afforded to this most important of areas. The Tree Preservation Order is to protect the trees on the land that are noted within the 1st schedule of the order in the interest of public amenity.

People affected by the order have a right to object or make comments on the tree covered before we decide whether the order should be made permanent.

If you would like to make any objections or comments, please make sure we receive them in writing by 8th July 2019.

Your comments must meet regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (a copy is attached). Please send your comments to the Solicitor to the

Council at the address detailed below. We will carefully consider all objections and comments before deciding whether to make the order permanent.

We will write to you again when we have made our decision. In the meantime, if you would like any more information or have any questions about this letter, please contact Andrew Watkins, North Warwickshire Borough Council, The Council House, South Street, Atherstone, North Warwickshire, CV9 1DE, telephone 01827 719212 .

Dated: 2nd June 2019

Signed: Steve Moxley
Council's authorised officer

on behalf of North Warwickshire Borough Council, The Council House, South Street, Atherstone, North Warwickshire, CV9 1DE

**COPY OF REGULATION 6 OF THE
TOWN AND COUNTRY PLANNING (TREES PRESERVATION) (ENGLAND)
REGULATIONS 2012**

Objections and representations

- 6(1) Subject to paragraph (2), objections and representations:
- (a) shall be made in writing and:
 - (i) delivered to the authority not later than the date specified by them under regulation 5(2)(c); or
 - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
 - (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and
 - (c) in the case of an objection, shall state the reasons for the objection.
- 6(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.



Town and Country Planning Act 1990

North Warwickshire Borough Council

(Land at 99 London Road, Bassetts Pole, B75 6JZ)

Tree Preservation Order, 2019

The North Warwickshire Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as the North Warwickshire Borough Council (Land at 99 London Road, Bassetts Pole, B75 6JZ) Tree Preservation Order, 2019.

Interpretation

- 2.—(1) In this Order "the authority" means the North Warwickshire Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2011.

Effect

- 3.—(1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 2nd day of June 2019

The Common Seal of the North Warwickshire Borough Council
was affixed to this deed in the presence of -

Steve Moxey
.....
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council



CONFIRMATION OF ORDER

This Order was confirmed by the North Warwickshire Borough Council without modification on
the day of
OR
This Order was confirmed by the North Warwickshire Borough Council, subject to the modifications
indicated by , on the day of

.....
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by North Warwickshire Borough Council on
the day of

.....
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council

VARIATION OF ORDER

This Order was varied by the North Warwickshire Borough Council on
the day of
by a variation order under the reference number
a copy of which is attached

.....
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council

REVOCATION OF ORDER

This Order was revoked by the North Warwickshire Borough Council on
the day of .

.....
The Designated Officer
Signed on behalf of the North Warwickshire Borough Council

Schedule 1, Specification of trees

Trees specified individually

(encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

Trees specified by reference to an area

(within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
NONE		

Groups of trees

(within a broken black line on the map)

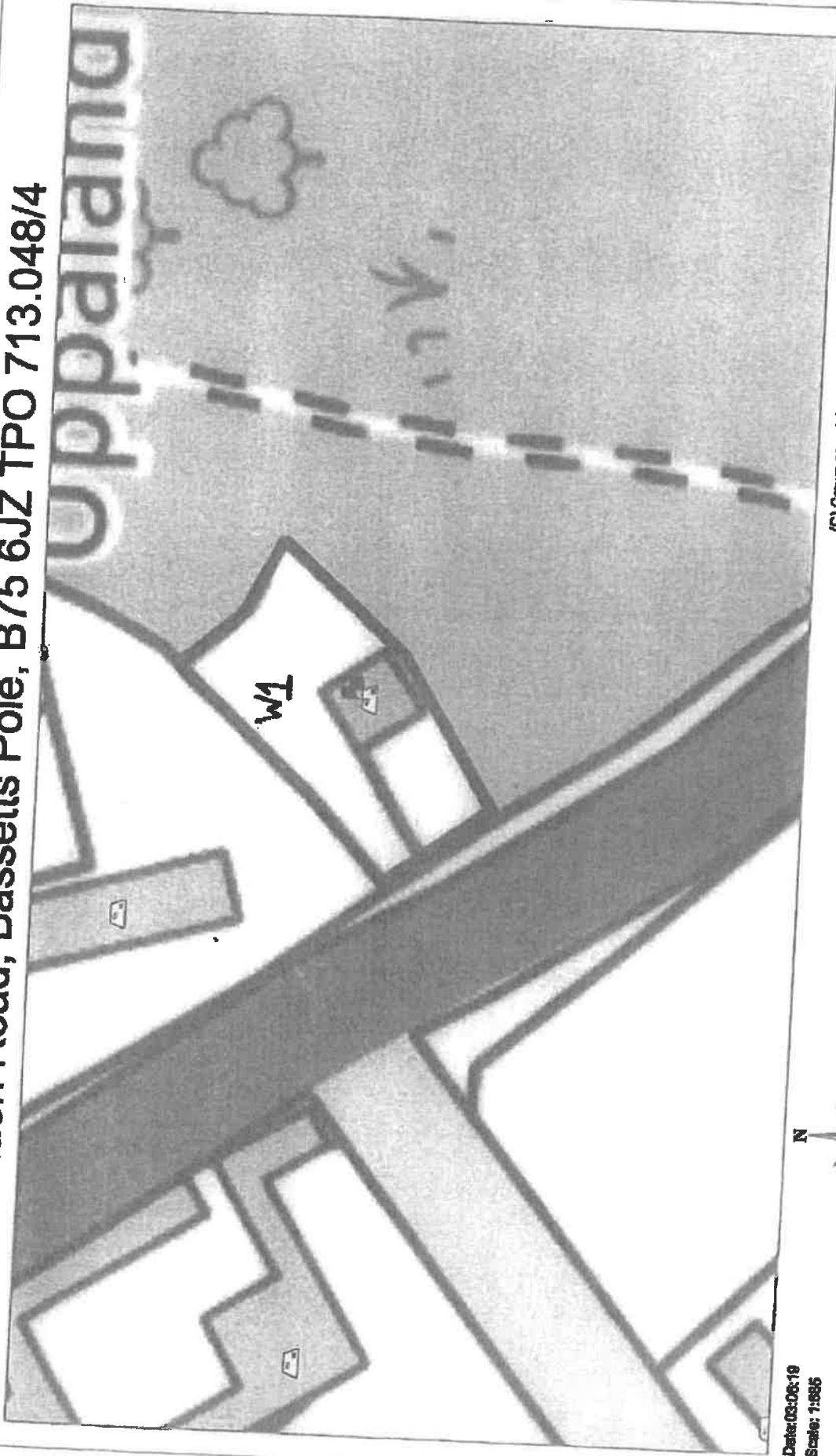
<i>Reference on map</i>	<i>Description (including number of trees of each species in the group)</i>	<i>Situation</i>
NONE		

Woodlands

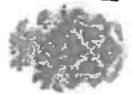
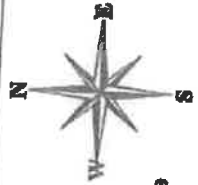
(within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
W1	<ul style="list-style-type: none"> • Oak • Silver Birch • Field Maple • Pine • Holly • Sorbus • Hemlock • Ash 	<p>Situated on land at 99 London Road, Bassetts Pole, B75 6JZ and adjacent to an ancient woodland as marked on the Map.</p>

99 London Road, Bassetts Pole, B75 6JZ TPO 713.048/4



Date: 03-08-19
Scale: 1:500



North Warwickshire
Borough Council

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