

## Agenda Item No 12a

### Planning and Development Board

22 May 2023

#### Tree Preservation Order Warton Lane, Austrey

#### Report of the Head of Development Control

### 1 Summary

- 1.1 A Tree Preservation Order has been placed on two Cedar Trees located on Warton Lane, Austrey. It came into force on 9 December 2022 and lasts six months until the 9 June 2023. This report seeks to make the Order permanent.

#### **Recommendation to the Board**

**That the Chair of the Board confirms that by reasons of special circumstances, namely the fact that the Order will cease to protect the trees if this matter is not considered by the Board, this report should be considered as a matter of urgency.**

**That the Board confirms the making of a Tree Preservation Order for the protection of 2 Cedar Trees located on Warton Lane, Austrey.**

### 2 Background

- 2.1 The report presented to members on 5 December 2022 seeking authority to make the Order is at Appendix A. This also provides the evidence behind this request.

### 3 Representations

- 3.1 Consultation on this Order has taken place, and representations in writing were invited from neighbours and the Polesworth Parish Council by the 16 January 2023.
- 3.2 No representations were received and thus the Board is recommended to confirm the Order.

### 4 Report Implications

#### 4.1 Financial and Value for Money Implications

- 4.1.1 There are no implications in making this Order, but if confirmed, then there may be implications, in that compensation may be payable, if consent is refused for works to a protected tree.

## 4.2 **Legal and Human Rights Implications**

- 4.2.1 As stated in the report dated 6 June, the Town and Country Planning Act 1990 only allows a tree preservation order to be made if it is expedient to do so in the interests of amenity. If members are satisfied that this remains the case having considered all the facts, the Order may be confirmed. Once made, the owners of the land would have a legal responsibility to maintain the tree and protect it from harm. Applications will need to be made to the Local Planning Authority in order to carry out works to the tree.

## 4.3 **Environment and Sustainability Implications**

- 4.3.1 The trees to be protected exhibit value for both the present and the future public amenities of the area, given their appearance and prominence in the street scene.

The Contact Officer for this report is Andrew Collinson (719228).

**NOT FOR PUBLICATION**

by virtue of paragraph 6  
of Part 1 of Schedule 12A to the  
Local Government Act 1972

**Agenda Item No 12****Planning and Development Board****5 December 2022****Report of the  
Head of Development Control****Tree Preservation Order - Warton  
Lane, Austrey****1 Summary**

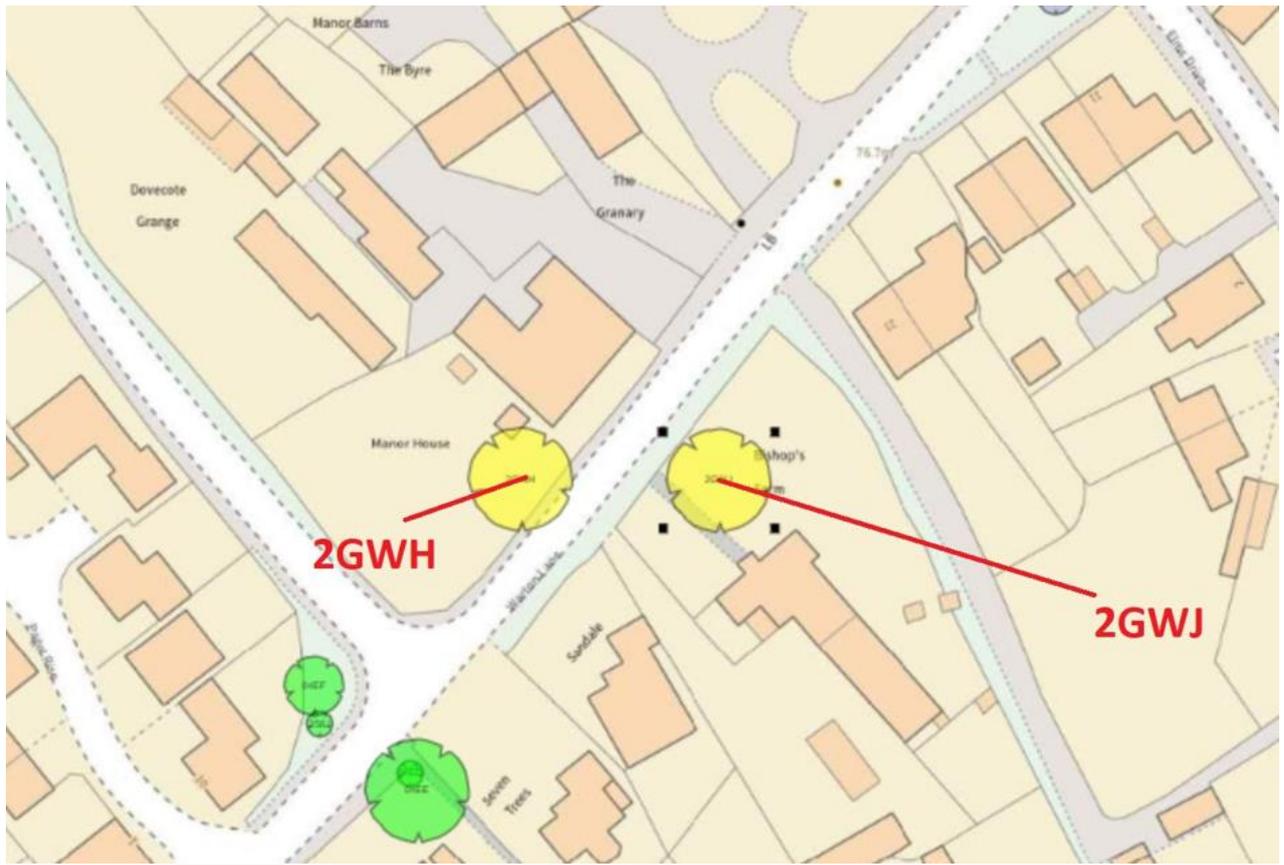
- 1.1 This report seeks authority for the protection of two Cedar trees through a Tree Preservation Order.

**Recommendation to the Board**

**That the Board makes a Tree Preservation Order for the protection of 2 Cedar Trees located on Warton Lane, Austrey.**

**2 Background and Statement of Reasons**

- 2.1 An inquiry about a listed building on Warton Lane came into the planning department. As a result of this, officers identified the trees in front of this property and along Warton Lane as potentially being worthy of TPO protection. The County Council Forestry Officer went on site to assess the condition of the trees. They concluded that the two Cedar Trees next to the listed buildings on Warton Lane were worthy of TPO protection.
- 2.2 The County Forestry Officer undertook a TEMPO assessment of the value of the trees, and both scored 17, suggesting that the trees definitely merited a Tree Preservation Order. Works such as dead-wooding and some minor works will be required in the future, however these would be done under supervision once the trees have been protected.
- 2.3 The photographs below show the Cedar Trees located next to Warton Lane, Austrey.



- 2.4 The TEMPO assessment completed by the County Tree Officer is attached to this report together with the tree location plan as Appendix A.
- 2.5 The TEMPO assessment concludes that the trees are both worthy of protection from an amenity and age/dimensions perspective. The Board is advised that subject to agreement, a tree preservation order should be made. The owner, occupier and neighbours will be served with a notice of the tree preservation order. There will then an opportunity for representations to be submitted. A further report will be submitted to the Planning and Development Board following the conclusion of the consultation period for Members to consider whether the Order should be confirmed and made permanent.
- 2.6 The TEMPO forms consider the value of the trees, based on a number of factors including amenity value, retention span, relative public visibility, other issues and expediency assessment. Based on this the maximum score is 25. If a tree scores more than 16, it is considered worthy of being protected.

Name of species	Tempo Score	Worthy of TPO
Blue Atlantic Cedar	17	Yes
Blue Atlantic Cedar	17	Yes

### 3 Report Implications

#### 3.1 Financial and Value for Money Implications

- 3.1.1 There are no implications in making this Order, but if confirmed, then there may be implications, in that compensation may be payable, if Consent is refused for works to a protected tree.

#### 3.2 Legal and Human Rights Implications

- 3.2.1 As stated in the report, the Town and Country Planning Act 1990 only allows a tree preservation order to be made if it is expedient to do so in the interests of amenity. If members are satisfied that this remains the case having considered all the facts, the Order may be confirmed. Once made, the owners of the land would have a legal responsibility to maintain the tree and protect it from harm. Applications will need to be made to the Local Planning Authority in order to carry out works to the tree.
- 3.2.2 The owners of the land and those with an interest in it, will now have the opportunity to make representations to the Council before the Order is confirmed.

#### 3.3 Environment and Sustainability Implications

- 3.3.1 The trees to be protected exhibit value for both the present and the future amenities of the area, given their appearance and prominence in the street scene.

The Contact Officer for this report is Samuel Patten (719220).

## Background Papers

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

<b>Background Paper No</b>	<b>Author</b>	<b>Nature of Background Paper</b>	<b>Date</b>
1	County Forestry Officer	TEMPO Evaluations and Tree Location Plan	03/11/2022

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 03/11/2022 Surveyor: Matthew Alford

Tree details  
 TPO Ref (if applicable): Tree/Group No: 2GWH Species: Blue Atlantic Cedar  
 Owner (if known): Location: Warton Lane, Austrey

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

5) Good	Highly suitable	Score & Notes  3
3) Fair/satisfactory	Suitable	
1) Poor	Unlikely to be suitable	
0) Dead/dying/dangerous*	Unsuitable	
* 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	Score & Notes  5
4) 40-100	Very suitable	
2) 20-40	Suitable	
1) 10-20	Just suitable	
0) <10*	Unsuitable	
*Includes trees which are an existing or near future nuisance, including those clearly outgrowing 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	Highly suitable	Score & Notes  4
4) Large trees, or medium trees clearly visible to the public	Suitable	
3) Medium trees, or large trees with limited view only	Suitable	
2) Young, small, or medium/large trees visible only with difficulty	Barely suitable	
1) Trees not visible to the public, regardless of size	Probably unsuitable	

**d) Other factors**  
 Trees must have accrued 7 or more points (with no zero score) to qualify

5) Principal components of formal arboricultural features, or veteran trees	Score & Notes  3
4) Tree groups, or principal 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 (inc. those of indifferent form)	
-1) Trees with poor form or which are generally unsuitable for their location	

**Part 2: Expediency assessment**  
 Trees must have accrued 10 or more points to qualify

5) Immediate threat to tree inc. s.211 Notice	Score & Notes  2
3) Foreseeable threat to tree	
2) Perceived threat to tree	
1) Precautionary only	

**Part 3: Decision guide**

Any 0	Do not apply TPO	Add Scores for Total:  17	Decision:  Yes TPO
1-6	TPO indefensible		
7-11	Does not merit TPO		
12-15	TPO defensible		
16+	Definitely merits TPO		

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 03/11/2022      Surveyor: Matthew Alford

**Tree details**

TPO Ref (if applicable):                      Tree/Group No: 2GWJ Species: Blue Atlantic Cedar  
 Owner (if known):                              Location: Warton Lane, Austrey

**REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS**

**Part 1: Amenity assessment**

**a) Condition & suitability for TPO**

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

<b>Score &amp; Notes</b>	<b>3</b>
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\* 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

<b>Score &amp; Notes</b>	<b>5</b>
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\*Includes trees which are an existing or near future nuisance, including those clearly outgrowing 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      Highly suitable
- 4) Large trees, or medium trees clearly visible to the public              Suitable
- 3) Medium trees, or large trees with limited view only                    Suitable
- 2) Young, small, or medium/large trees visible only with difficulty      Barely suitable
- 1) Trees not visible to the public, regardless of size                        Probably unsuitable

<b>Score &amp; Notes</b>	<b>4</b>
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**d) Other factors**

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

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal 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 (inc. those of indifferent form)
- 1) Trees with poor form or which are generally unsuitable for their location

<b>Score &amp; Notes</b>	<b>3</b>
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**Part 2: Expediency assessment**

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

<b>Score &amp; Notes</b>	<b>2</b>
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**Part 3: Decision guide**

- Any 0    Do not apply TPO
- 1-6     TPO indefensible
- 7-11    Does not merit TPO
- 12-15    TPO defensible
- 16+    Definitely merits TPO

<b>Add Scores for Total:</b>	<b>17</b>
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<b>Decision:</b>	<b>Yes TPO</b>
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Unique ID: 2GWJ

Private

*Cedrus atlantica* 'Glauca'

W3W: regime.champions.workroom

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Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	03-Nov-2022
Trunk Type	Single
Age	Mature
Condition	Reasonable
Proximity	As per map
Street	WARTON LANE
Area	North Warwickshire Borough
Sub Area	Austrey
Stem Diameter	55 - 65cm
Spread	12 - 14m
Height	14 - 16m
Committee	Private
Site	Grass

Species	
Count	1
Vegetation Type	Conifer
Species	<i>Cedrus atlantica</i> 'Glauca'

Maintenance
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Comment	
Surveyor	Matthew Alford
Comment Date	03-Nov-2022
Comment	Unable to fully assess condition of tree due to private property

**Unique ID: 2GWH**

**Private**

**Cedrus atlantica 'Glauca'**

**W3W: wound.farm.lin**

#### Overview Photos



Inventory	
Surveyor	Matthew Alford
Inspection Date	03-Nov-2022
Trunk Type	Single
Age	Mature
Condition	Reasonable
Proximity	As per map
Street	WARTON LANE
Area	North Warwickshire Borough
Sub Area	Austrey
Stem Diameter	45 - 55cm
Spread	12 - 14m
Height	12 - 14m
Category	
Committee	Private
Site	Grass

Species	
Count	1
Vegetation Type	Conifer
Species	Cedrus atlantica 'Glauca'

Comment	
Surveyor	Matthew Alford
Comment Date	03-Nov-2022
Comment	Unable to fully assess condition of tree due to private property

