

TOWN AND COUNTRY PLANNING ACT, 1947

E107002

THE BOROUGH OF LUTON

(DUNSTABLE ROAD NO. 1 AREA)

TREE PRESERVATION ORDER, 1960

The Luton Borough Council acting as agents of the Bedfordshire County Council who are the Local Planning Authority for the County of Bedford (in this Order called "the Authority") in pursuance of the powers conferred in that behalf by Section 28 of the Town and Country Planning Act, 1947, and subject to the provisions of Section 13 of the Forestry Act, 1951, hereby make the following Order:-

1. In this Order:-

"the Act" means the Town and Country Planning Act, 1947;

"owner" means the owner in fee simple, either in possession or who has granted a lease or tenancy of which the unexpired portion is less than three years; a lessee (including a sub-lessee) or tenant in possession, the unexpired portion of whose lease or tenancy is three years or more; and a mortgagee in possession; and

"the Minister" means the Minister of Housing and Local Government.

2. - Subject to the provisions of this Order and to the exemptions specified in the Second Schedule hereto, no person shall, except with the consent of the authority and in accordance with the conditions, if any, imposed on such consent, cut down, top, lop, or wilfully destroy or cause or permit the cutting down, topping, lopping or wilful destruction of any tree specified in the First Schedule hereto or comprised in a group of trees or in a woodland therein specified, the position of which trees, groups of trees and woodlands is defined in the manner indicated in the said First Schedule on the map marked "Drawing No. 23771/T.P. 823" signed by the ^{Deputy} Town Clerk and deposited for inspection at the Town Hall, Luton, which map shall, for the purpose of such definition as aforesaid, prevail where any ambiguity arises between it and the specification in the said First Schedule.

3. - An application for consent made under article 2 of this Order shall be in writing stating the reasons for making the application, and shall by reference if necessary to a plan specify the trees to which the application relates, and the operations for the carrying out of which consent is required.

4. - (1) Where an application for consent is made under this Order the authority may grant such consent either unconditionally, or subject to such conditions (including conditions requiring the replacement of any tree by one or more trees on the site or in the immediate vicinity thereof), as the authority may think fit, or may refuse consent.

Provided that where the application relates to any woodland specified in the First Schedule to this Order the authority shall grant consent so far as accords with the principles of good forestry, except where, in the opinion of the authority, it is necessary in the interests of amenity to maintain the special character of the woodland or the woodland character of the area, and shall not impose conditions on such consent requiring replacement or replanting.

(2) The authority shall keep a register of all applications for consent under this Order containing information as to the nature of the application, the decision of the authority thereon, any compensation awarded in consequence of such decision and any directions as to replanting of woodlands; and every such register shall be available for inspection by the public at all reasonable hours.

5. - Where the authority refuse consent under this Order or grant such consent subject to conditions they may when refusing or granting consent certify in respect of any trees for which they are so refusing or granting consent that they are satisfied:-

(a) that the refusal or condition is in the interests of good forestry; or

(b) in the case of trees other than trees comprised in woodlands, that the trees have an outstanding or special amenity value.

NOTE: If it is desired to fell any of the trees included in this Order whether included as trees, groups of trees or woodlands and the trees are trees for the felling of which a licence is required under the Forestry Act, 1951, application must be made not to the authority for consent under this Order but to the Forestry Commissioners for a licence under that Act (see Forestry Act, 1951, Section 13 (1)).

6. - (1) Where consent is granted under this Order to fell any part of a woodland then unless:-

(a) such consent is granted for the purpose of enabling development to be carried out in accordance with a permission to develop land under Part III of the Act, or

(b) the authority with the approval of the Minister dispense with replanting, the authority shall give to the owner of the land on which that part of the woodland is situated a direction in writing specifying the manner in which and the time within which he shall replant such land and where such a direction is given and the part is felled the owner shall subject to the provisions of this Order replant the said land in accordance with the direction.

(2) Any direction given under paragraph (1) of this Article may include requirements as to:-

(a) species ;

(b) number of trees per acre ;

(c) the erection and maintenance of fencing necessary for protection of the replanting ;

(d) the preparation of ground, draining, removal of brushwood, lop and top ; and

(e) protective measures against fire.

7. - The provisions set out in the Third Schedule to this Order, being provisions of Part III of the Act adapted and modified for the purposes of this Order, shall apply in relation thereto.

8. - Subject to the provisions of this Order, any person who has suffered damage or has incurred expenditure in consequence of any refusal of consent under this Order or of any grant of any such consent subject to conditions, shall, if he makes a claim on the authority within the time and in the manner prescribed by this Order, be entitled to recover from the authority compensation in respect of such damage or expenditure.

Provided that no compensation shall be payable in respect of damage suffered or expenditure incurred by reason of such refusal or grant of consent in the case of any trees the subject of a certificate in accordance with Article 5 of this Order.

9. - In assessing compensation payable under the last preceding Article or under Section 22 of the Act as applied by this Order, account shall be taken of:-

(a) any compensation or contribution which has been paid in respect of the same trees under the terms of this or any other Tree Preservation Order under Section 28 of the Act or under the terms of any Interim Preservation Order made under Section 8 of the Town and Country Planning (Interim Development) Act, 1943, or any compensation which has been paid or which could have been claimed under any provision relating to the preservation of trees or protection of woodlands contained in an operative scheme under the Town and Country Planning Act, 1932, and

(b) any injurious affection to any land of the owner which would result from the felling of the trees the subject of the claim.

10. - (1) A claim for compensation under this Order shall be in writing and shall be made by serving it on the authority such service to be affected by delivering the claim at the offices of the authority addressed to the Clerk thereof or by sending it by pre-paid post so addressed.

(2) The time within which any such claim shall be made as aforesaid shall be a period of twelve months from the date of the decision of the authority, or of the Minister, as the case may be, or where an appeal has been made to the Minister against the decision of the authority, from the date of the decision of the Minister on the appeal.

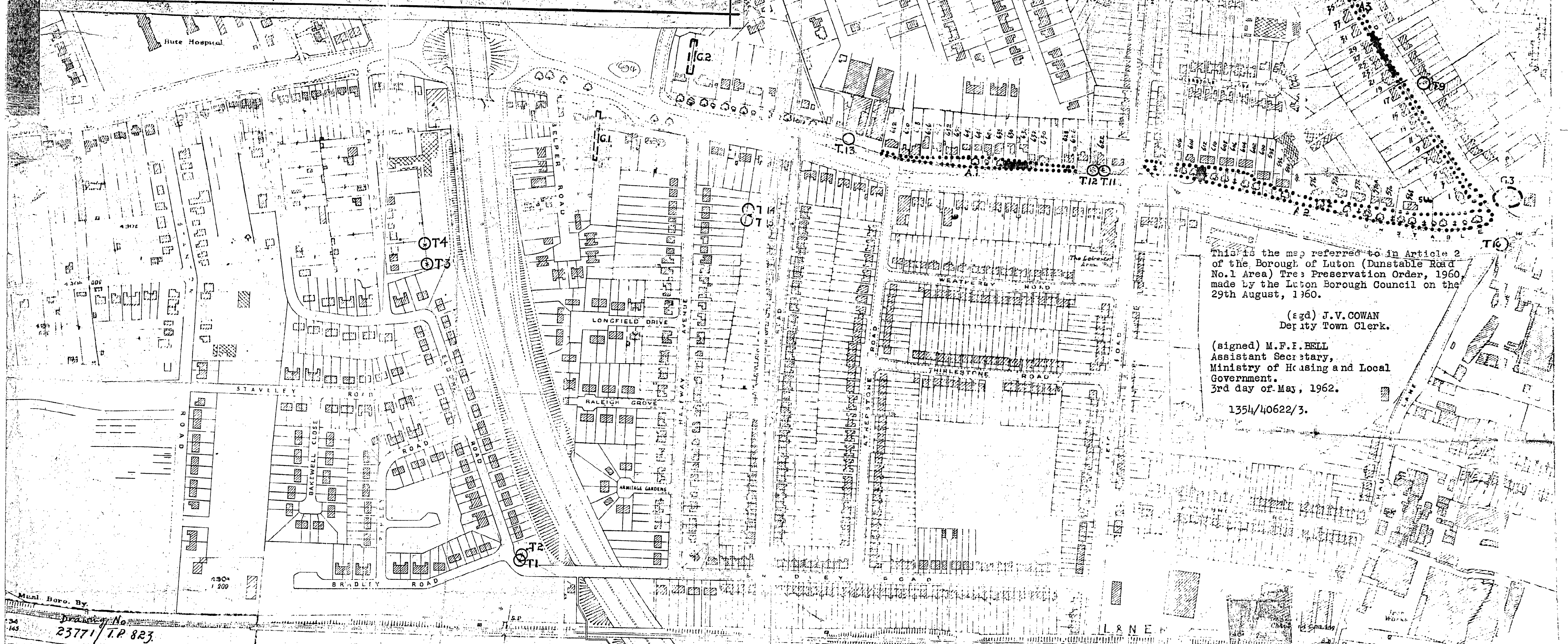
BOROUGH OF LUTON
 (DUNSTABLE ROAD No.1 AREA)
 TREE PRESERVATION ORDER 1960

Office Copy

Single Trees shown thus ○
 Groups of Trees shown thus [---]
 Trees specified by reference to an area [.....]
 Roadside Belts shown thus [.....]

Scale 1/2500

F. Oliver A.M.I.C.E. Borough Engineer



This is the map referred to in Article 2 of the Borough of Luton (Dunstable Road No.1 Area) Tree Preservation Order, 1960 made by the Luton Borough Council on the 29th August, 1960.

(sgd) J.V. COWAN
 Deputy Town Clerk.

(signed) M.F.F. BELL
 Assistant Secretary,
 Ministry of Housing and Local
 Government.
 3rd day of May, 1962.

1354/40622/3.

Mr M Shah
P O Box 786
Luton LU1 1YE
6th July 2000

Mr I. B. D. Blackley
Planning and Development Department
Planning Division
Town Hall
Luton LU1 2BQ

CC1

NRB

PLANNING AND DEVELOPMENT	
11 JUL 2000	
PIMS NO.	P030187
GROUP	DC
TEAM	DC
	SJR

Result!

R/E
E107/02/45

Dear Sir,

Your ref: SJR / E / 107 / 02 / 45

I refer to the application for Tree Preservation consent to works on 566 Dunstable Road Luton

The trees are **Fagus Sylvatica Dorwyck**, the height will be 350 cm and the girths will be 12-16cm of the replacement trees as discussed with Sandra Richardson and the advice given by Mr Stan Carter of the Councils Parks Division

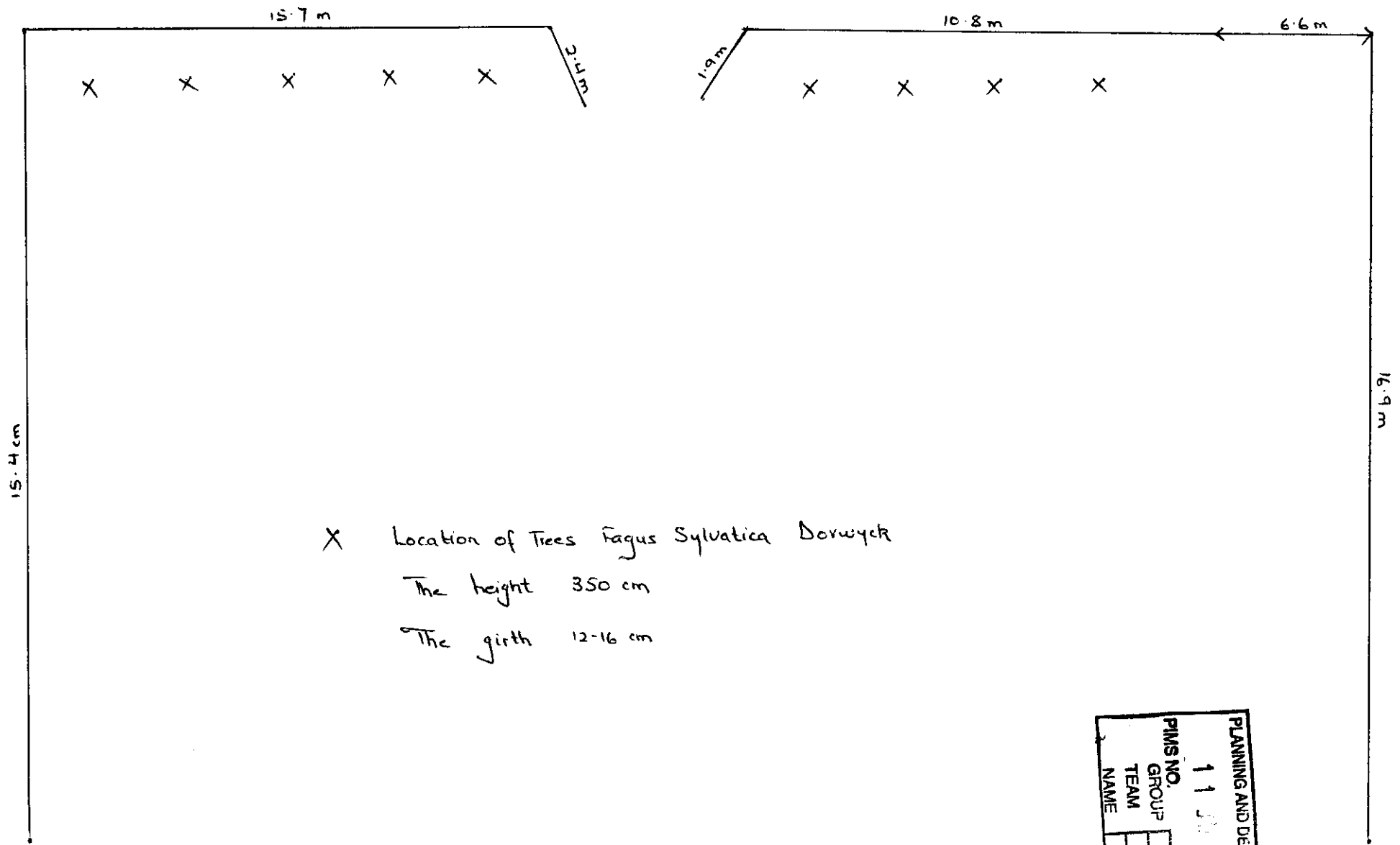
I have enclosed revised 4 copies of the plan which indicates the location of the trees

I hope this will resolve this matter

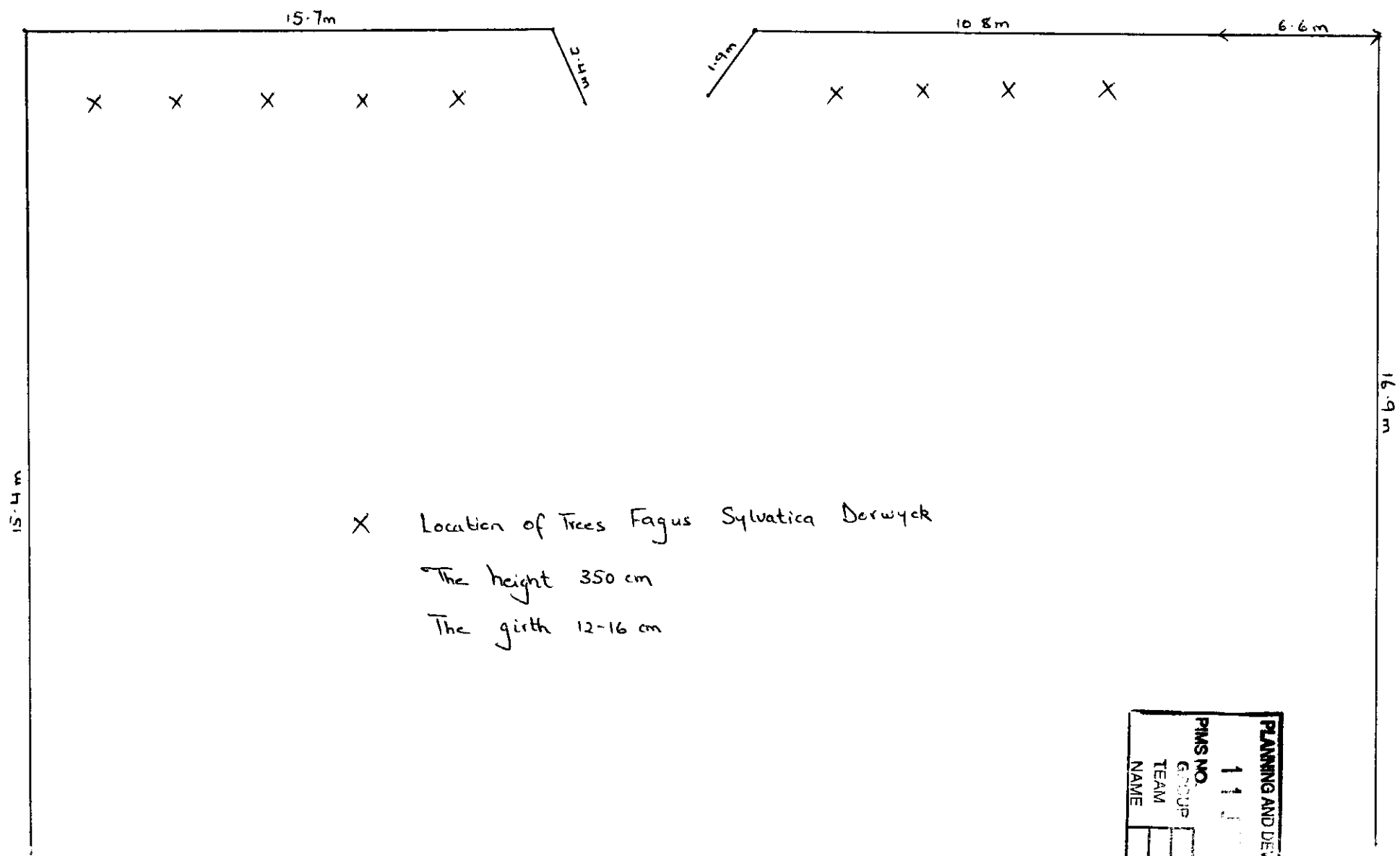
Yours sincerely



Mr M Shah

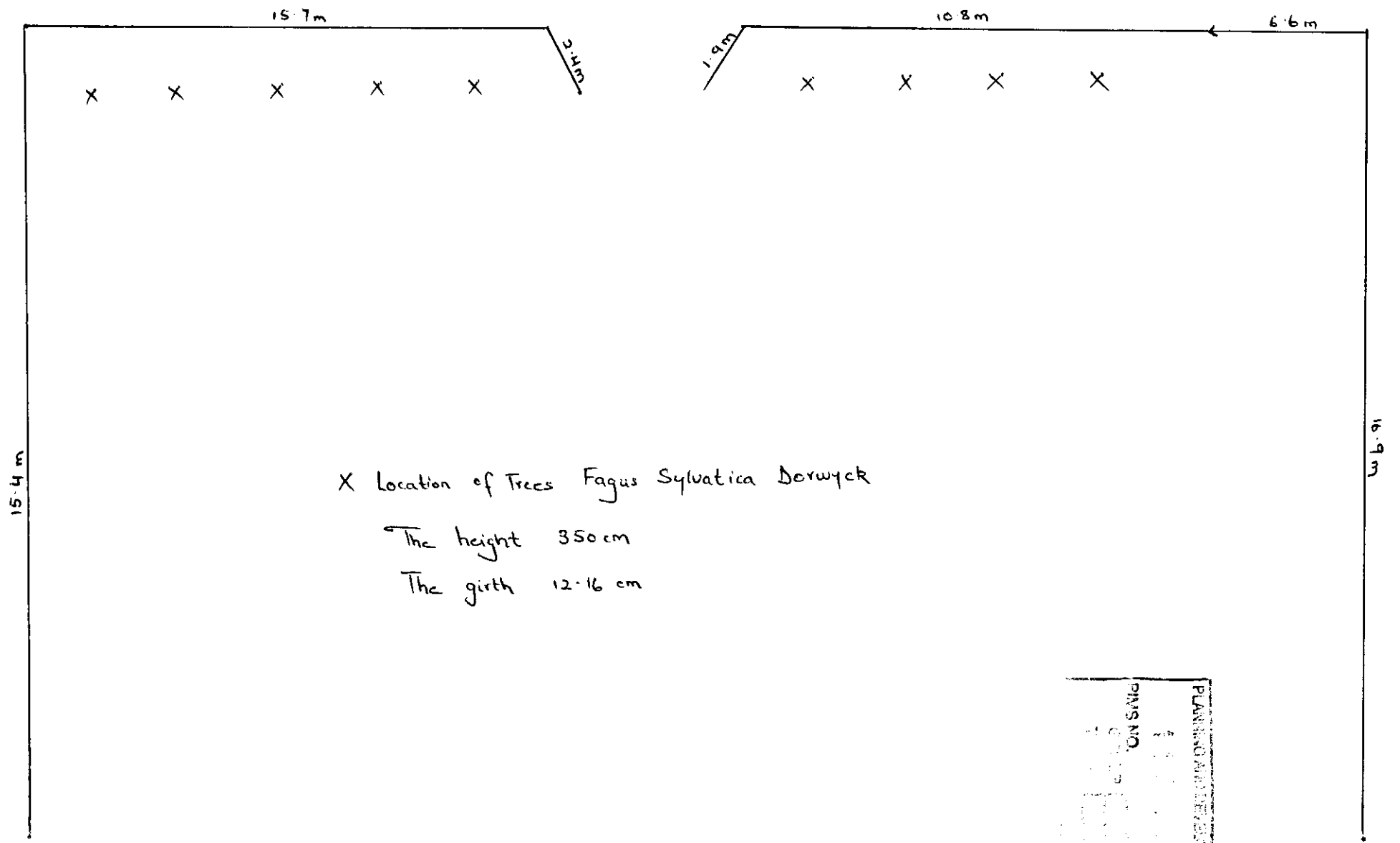


PLANNING AND DEVELOPMENT	
PIMS NO.	11
GROUP	
TEAM	
NAME	



X Location of Trees *Fagus Sylvatica* Derwyck
 The height 350 cm
 The girth 12-16 cm

PLANNING AND DEVELOPMENT	
PIMS NO.	11
GROUP	
TEAM	
NAME	



PLANNING AND RESEARCH
 4
 ON SITE
 1980

Mr A Holden
01582 546331

file

AH/704/E/107/002

Miss Shakeela Malik,
38 Thirlstone Road,
Luton,
LU4 8QT.

6th September 2007

Dear Ms Malik,

6 Overstone Road, LUTON - Protected tree within rear garden.

I refer to your letter dated 1st August 2007 in connection with the tree, covered by a Tree Preservation Order, which was formerly at the above premises.

A site visit has been carried out and I can confirm that the tree is no longer in place, other than a stump overgrown with ivy, and appears to have been removed some time ago. The circumstances of the removal of the tree are unclear but even if this was unauthorised there is no evidence of who has removed the tree, to allow any prosecution action to take place.

I can confirm, therefore, that the Tree Preservation Order register will be amended to no longer show a protected tree within the curtilage of 6 Overstone Road. The remainder of the tree may be removed from the site, if required.

Yours sincerely

I.B.D.Blackley
Development Control Manager

CC Joan Haynes, Searches Clerk; Elsie Moore, Planning Admin.

CEL

ENVIRONMENT & REGISTRATION
349850

20 AUG 2007

FLARE NO.	
GROUP	DC
TEAM	
NAME	IRB

ASHT

Miss Shakeela Malik
38 Thirstone Road
Luton
LU4 8QT

U.R. & -	
SP	
TSG	
BC	
DC	

16 AUG 2007

File Ans Date

Planning Div. Luton

Iain Blackley
Planning Manager

Wednesday 1st August 2007

6 Overstone Road, Luton, LU4 8QZ

Dear Mr Beckley,

I have been advised to contact yourself by the Planning office regarding the above address.

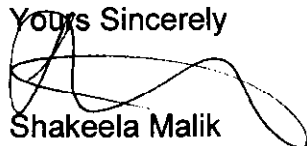
We are in the process of purchasing 6 Overstone Road, and have been advised there is a tree preservation order in the garden.

We have spoken to the neighbours 4 Overstone Road, who have advised the tree fell down 10 years ago in a storm. Since then it has been found to be growing again via the roots that were still in place.

We would therefore ask your advice as to whether the tree can be removed from the garden and what necessary steps have to be taken.

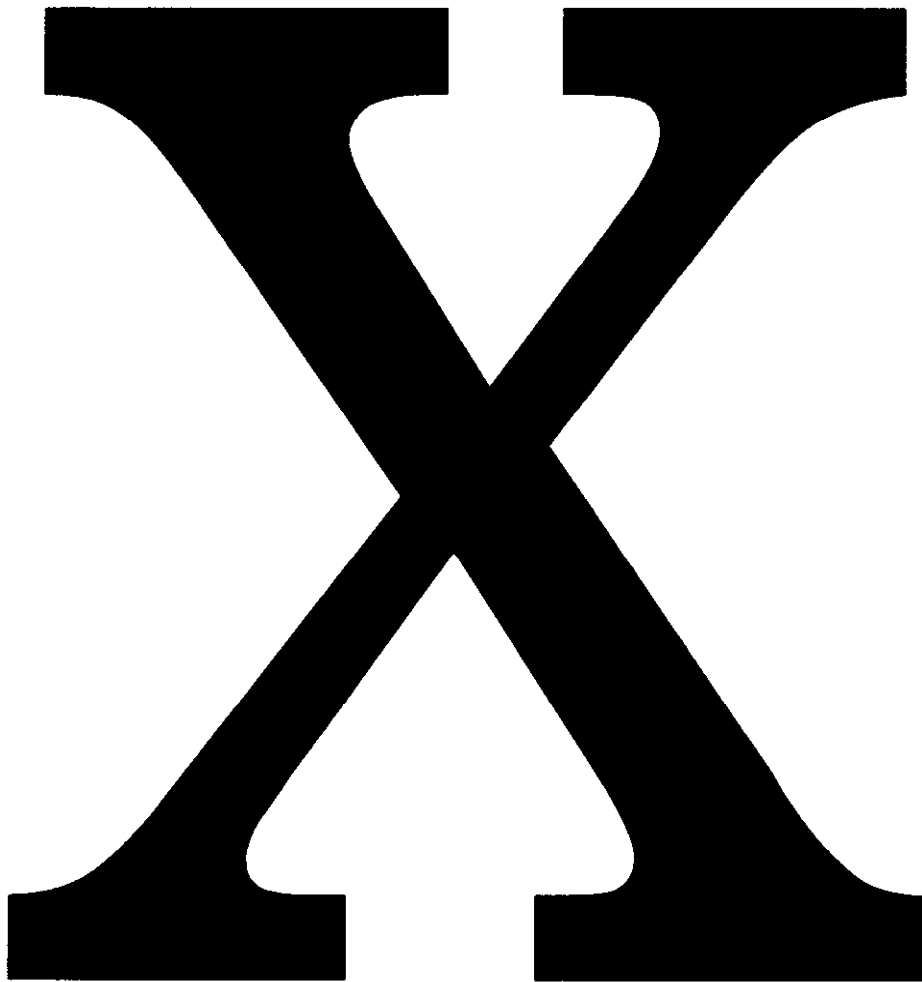
Needs to be checked on site.

Yours Sincerely



Shakeela Malik

DC DOCUMENT MANAGEMENT CENTRE



11. - Any question of disputed compensation shall be determined in accordance with the provisions of Section 110 of the Act.

12. - Any person contravening the provisions of this Order is guilty of an offence under subsection (6) of Section 28 of the Act and liable on summary conviction to a fine not exceeding fifty pounds ; and if in the case of a continuing offence the contravention is continued after conviction he is guilty of a further offence thereunder and liable on summary conviction to an additional fine not exceeding forty shillings for every day on which the contravention is so continued.

FIRST SCHEDULE

TREES SPECIFIED INDIVIDUALLY
(encircled in black on the map)

No. on Map	Description	Situation
T1	Hornbeam) On small area of vacant land at the southern end of Eldon Road at its junction with Bradley Road.
T2	Hornbeam	
T3	Ash	In the rear garden of No. 27 Derby Road.
T4	Sycamore	In the rear garden of No. 23 Derby Road.
T5	Beech	In the rear garden of No. 4 Wellgate Road.
T6	Beech	In the rear garden of No. 52 ⁵³ Granby Road.
T7	Silver Birch) In the front garden of No. 92 Oakley Road.
T8	Silver Birch	
T9	Mountain Ash	In the front garden of No. 32 Oakley Road.
T10	Beech	On the boundary of the forecourt of the premises of Shaw & Kilburn Ltd. at the junction of Dunstable Road with Chaul End Lane.
T11	Larch) In the front garden of No. 622 Dunstable Road.
T12	Larch	
T13	Beech	Within the forecourt of the premises of Luton Knitting Co. Ltd., Dunstable Road.
T14	Beech	In the rear garden of No. 6 Overstone Road.
T15	Beech	In the rear garden of No. 8 Overstone Road.

TREES SPECIFIED BY REFERENCE TO AN AREA

laburnum and
(within a dotted black line on the map)

No. on Map	Description	Situation
A1	The several beech and larch trees standing in the roadside belt numbered A.1 on the map.	Bordering the north side of Dunstable Road, within the curtilage of dwelling-houses fronting thereon and extending from No. 622 ⁶²⁶ to No. 662 Dunstable Road.
A2	The several beech, ash and sycamore trees and including a yew, an elm and an oak tree, standing in the roadside belt numbered A.2 on the map.	Bordering the north side of Dunstable Road, within the curtilage of dwelling-houses fronting thereon and extending from its junction with Humberstone Road to its junction with Oakley Road.
A3	The several beech, chestnut, almond, silver birch and lime trees and including an ash, a thorn and a laburnum tree, standing in the roadside belt numbered A.3 on the map.	Bordering the west side of Oakley Road, within the curtilage of dwelling-houses fronting thereon and extending from No. 1 to No. 63 Oakley Road.

FIRST SCHEDULE

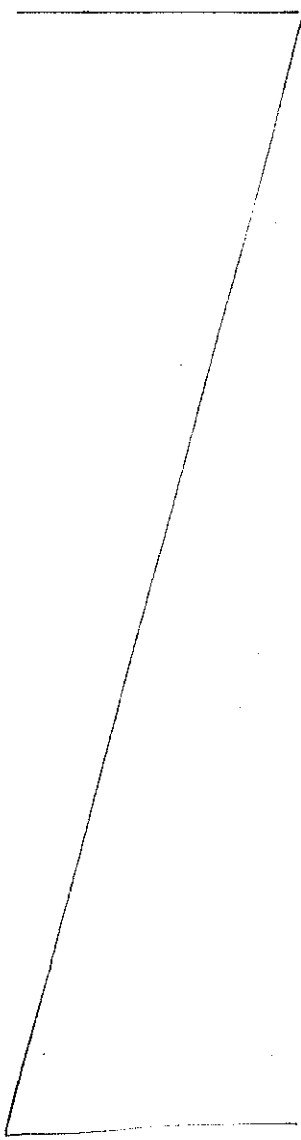
GROUPS OF TREES

(within a broken black line on the map)

No. on Map	Description	Situation
G1	Group consisting of 5 beech. <i>mostly gone with rest of motel.</i>	Within the curtilage of No. 639 Dunstable Road, along the ^{west} side boundary fence.
G2	Group consisting of 3 silver birch. <i>Only 1 in rear garden & 1 in front.</i>	Within the curtilage of No. 694 Dunstable Road along the ^{west} side boundary fence.
G3	Group consisting of ² 1 ash, 1 walnut and 1 lawson cypress.	Within the curtilage of No. 2 Oakley Road and the car park of Shaw & Kilburn Limited at the junction of Oakley Road and Dunstable Road.

WOODLANDS

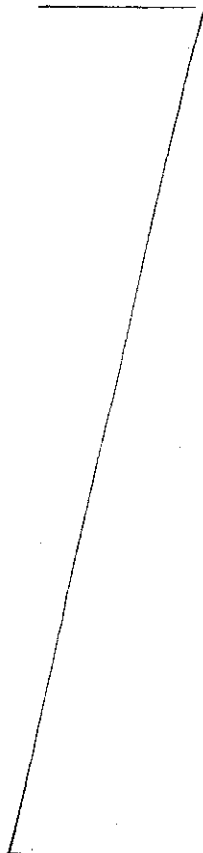
None



SECOND SCHEDULE

This Order shall not apply so as to require the consent of the authority

- (1) to the cutting down, topping or lopping of any tree that is dying or dead or has become dangerous ;
- (2) to the cutting down, topping or lopping of any tree:-
 - (a) in compliance with an obligation imposed by or under an Act of Parliament ;
 - (b) in pursuance of the power conferred on the Postmaster-General by virtue of Section 5 of the Telegraph (Construction) Act, 1908 ;
 - (c) in pursuance of the powers conferred by Section 24 of the Regulation of Railways Act, 1968 ;
 - (d) for the purpose of preventing or abating a nuisance ;
 - (e) in the case of a statutory undertaker where the land on which the tree is situated is operational land as defined by the Act and either works on such land cannot otherwise be carried out or the cutting down, topping or lopping is for the purpose of securing safety in the operation of the undertaking ;
 - (f) by or at the request of an Electricity Board within the meaning of the Electricity Act, 1947, where such tree obstructs the construction by the Board of any main transmission line or other electric line within the meaning respectively of the Electricity (Supply) Act, 1919 and the Electric Lighting Act, 1882 or interferes or would interfere with the maintenance or working of any such line,
 - (g) where immediately required for the purpose of carrying out development authorised by a planning permission granted on an application made under Part III of the Act, or deemed to have been so granted for any of the purposes of that Part.



THIRD SCHEDULE

Provisions of Part III of the Act as adapted and modified to apply to this Order.

15. - Reference of applications to the Minister. (1) The Minister may give directions to the authority requiring that any application for consent under the Order, or all such applications of any class specified in the directions, shall be referred to the Minister instead of being dealt with by the authority, and any such application shall be so referred accordingly.

(2) Where an application for consent under the order is referred to the Minister under this section, the provisions of Articles 4 and 5 of the Order shall apply in relation to the determination of the application by the Minister as they apply in relation to the determination of such applications by the authority :

Provided that before determining any such application the Minister shall, if either the applicant or the authority so desire, afford to them an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(3) The decision of the Minister on all applications referred to him under this section shall be final.

16. - Appeals to the Minister. (1) Where application is made to the authority for consent under the Order and that consent is refused by ^{the} that authority or is granted by them subject to conditions or where any certificate or direction is given by the authority, then if the applicant is aggrieved by their decision on the application, or by any such certificate, or if the person directed is aggrieved by the direction, the applicant or that person, as the case may be, may, by notice in writing served within 28 days from the receipt of notification of their decision, certificate or direction, or such longer period as the Minister may allow, appeal to the Minister.

(2) When an appeal is brought under this section from a decision certificate or direction of the authority, the Minister may allow or dismiss the appeal or may reverse or vary any part of the decision of the authority, whether or not the appeal relates to that part, or may cancel any certificate or cancel or vary any direction, and may deal with an application as if it had been made to him in the first instance, and the provisions of the last foregoing section shall apply, subject to any necessary modifications in relation to the determination of an application by the Minister on appeal under this section as they apply in relation to the determination by the Minister of an application referred to him under that section.

(3) Unless within two months from the date of receipt of an application for consent under the Order, or within such extended period as may at any time be agreed upon in writing between the applicant and the authority, the authority either -

(a) give notice to the applicant of their decision on the application ; or

(b) give notice to him that the application has been referred to the Minister in accordance with the directions given by him under the last foregoing section;

the provisions of subsection (1) of this section shall apply in relation to the application as if the consent to which it relates had been refused by the authority, and as if notification of their decision had been received by the applicant at the expiration of the said period of two months or the extended period agreed upon as aforesaid, as the case may be.

21. - Revocation or modification of consent under the Order. (1) Subject to the provisions of this section, if it appears to the authority that it is expedient that any consent under the Order granted on an application made in that behalf should be revoked or modified, they may by order revoke or modify the consent to such extent as appears to them to be expedient as aforesaid :

Provided that no such order shall take effect unless it is confirmed by the Minister, and the Minister may confirm any order submitted to him for the purpose either without modification or subject to such modifications as he considers expedient.

(2) Where an authority submit an order to the Minister for his confirmation under this Section, that authority shall furnish the Minister with a statement of their reason for making the order and shall serve notice of the making of the order on the owner of the land, and on any other person who in their opinion will be affected by the order, and if within the period of 28 days from the service thereof any person on whom the notice is served so requires, the Minister shall, before confirming the order, afford to him and to the authority an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.

(3) The power conferred by this section to revoke or modify a consent may be exercised at any time before the operations for which consent has been given have been completed.

Provided that the revocation or modification of consent shall not affect so much of those operations as has been carried out before the date on which the order was confirmed as aforesaid.

(4) Where a notice has been served in accordance with the provisions of subsection (2) of this Section, no operations or further operations as the case may be, in pursuance of the consent granted, shall be carried out pending the decision of the Minister under subsection (1) of this Section.

22. - Supplementary provisions as to revocation and modification. (1) Where any person is affected by an order under the last foregoing Section, or by a notice served on him under subsection (2) of the foregoing Section in a case where the order is not confirmed, then, if on a claim made to the authority within the time and in the manner prescribed by Article 10 of the Order, it is shown that he has incurred expenditure in carrying out work which is rendered abortive by the revocation, or modification, or stay of operations, as the case may be, or has otherwise suffered loss or damage which is directly attributable to the revocation, modification or stay of operations, the authority shall pay to that person compensation in respect of that expenditure, loss or damage.

(2) For the purposes of this Section any expenditure incurred on matters preparatory to acting on the consent shall be deemed to be included in the expenditure incurred in carrying out that work, but except as aforesaid, no compensation shall be paid under this Section in respect of any work carried out in the period after the making of the Order and before the grant of consent which is revoked or modified, or in respect of any other loss or damage (not being loss or damage consisting of the depreciation in value of any interest in land) arising out of anything done or omitted to be done during that period.

GIVEN under the Common Seal of the
Mayor, Aldermen and Burgesses of the
BOROUGH OF LUTON the twenty-ninth
day of August

in the year
nineteen hundred and sixty.

L. S.

(signed) J. COULDWELL

MAYOR

(signed)

J. V. COWAN

Deputy TOWN CLERK

The Minister of Housing and Local Government hereby confirms
the foregoing Order subject to the modifications shown in
red ink thereon.

L. S.

Given under the official seal of the Minister
of Housing and Local Government this Third
day of May nineteen hundred and sixty-two.

(signed) M. F. B. Bell

Assistant Secretary,

Ministry of Housing and Local Government.

Dated 29th August 1960.

TOWN AND COUNTRY PLANNING ACT, 1947

THE BOROUGH OF LUTON

(DUNSTABLE ROAD NO.1 AREA)

TREE PRESERVATION ORDER,

1960.

109

A.D. HARVEY,
TOWN CLERK.

Peter Westwood
01582 546306
P JW/ENF- 210722

Ms F Saeed
51 Oakley Road
Luton
LU4 9PT

3rd August 2006

Dear Madam,

51 Oakley Road, Luton.

Thank you for your letter dated 26th July, the contents of which are noted.

I confirm that it will be necessary to replace two silver birch trees that have been recently felled, which are the subject of a tree preservation order and have also been the subject of recent enquiries. The two replacement trees should be silver birch Sp Betula Pendula species, of a minimum size of 14-16cm (girth), and be replanted in the front garden area of the site. The planting season for such trees is between November and February; the necessary works should be carried out during that period.

Upon completion of the works, Mr Westwood should be notified, in order that he may re-inspect the site. Council records can then be updated accordingly.

I trust that this information is of assistance to you. Please contact Mr Westwood on the above telephone number if you require any further information

Yours faithfully,

IBD Blackley
Development Control Manager

Cc. S Carter, Parks Department

Westwood, Peter

From: Carter, Stan
Sent: 31 July 2006 16:58
To: Westwood, Peter
Subject: Tree replacement @ 51 Oakley road Luton.

Peter,

The following trees are recommended as a replacements for the silver birch which were removed.

Two silver birch Sp Betula Pendula , minimum size 14 -16 cm girth extra heavy standards.

The optimum time for planting would be between late november and february .

Local suppliers include majestic trees - expensive

Premier trees or deepdale -potton/ biggleswade area

Don't have numbers for these suppliers , but a web search should suffice

Regards

S

DC Document Management Centre

