

NORTHAMPTON BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Your attendance is requested at a meeting to be held at The Jeffrey Room,
The Guildhall, St. Giles Square, Northampton, NN1 1DE on Monday, 10
February 2020 at 6:00 pm.

George Candler
Chief Executive

AGENDA

1. APOLOGIES
2. MINUTES
3. DECLARATIONS OF INTEREST
4. DEPUTATIONS / PUBLIC ADDRESSES
5. TREE PRESERVATION ORDER NO. 240 LAND TO REAR 48 –
84 SOUTHFIELD ROAD, NORTHAMPTON, NN5 6HL
6. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL
CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD
BE CONSIDERED
7. EXCLUSION OF PUBLIC AND PRESS
THE CHAIR TO MOVE:
“THAT THE PUBLIC BE EXCLUDED FROM THE REMAINDER OF
THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE
DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT
INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL
GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF
BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH
OF SCHEDULE 12A TO SUCH ACT.”

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NORTHAMPTON BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Tuesday, 5 November 2019

PRESENT: Councillor Sargeant (Chair); Councillor Kilbride (Deputy Chair);
Councillors Marriott, Beardsworth and Cali

APOLOGIES:

1. APOLOGIES

There were none.

2. MINUTES

The minutes of the meeting held on 18 March 2019 were approved, as circulated prior to the meeting.

3. DECLARATIONS OF INTEREST

There were none.

4. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

5. REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Chair, Councillor Kilbride invited the Electoral Services Manager to present the Review of Polling Districts and Polling Places report to the Committee.

The Electoral Services Manager presented the report and explained to Members that any changes were highlighted in yellow as set out in Appendix 1.

In response to questions from Members, the Borough Secretary explained that for the upcoming general election on 12 December 2019, the Borough Council is trying not to use mobile vans as the generators required for heat and lighting are very expensive.

RESOLVED:

The Committee approve the recommendations of the Local Returning Officer and that the recommendations come into effect for any election that is called after the date of this committee.

6. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

There were none.

The meeting concluded at 6:17 pm

Appendices 1 – 4

Photographs 1 – 6



GENERAL PURPOSES COMMITTEE REPORT

Report Title	Tree Preservation Order No. 240 land to rear 48 – 84 Southfield Road, Northampton, NN5 6HL
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	10 February 2020
Policy Document:	Not applicable
Directorate:	Regeneration, Enterprise and Planning
Accountable Cabinet Member:	Councillor Tim Hadland

1. Purpose

- 1.1 To set out the background to and the reasons for making the Tree Preservation Order, provide an outline of Government advice and to respond to the comments and objections raised to the Order.

2. Recommendation

- 2.1 That Tree Preservation Order No. 240 land to rear 48 – 84 Southfield Road, Northampton, NN5 6HL be confirmed without modification.

3. Issues and Choices

3.1 Background

- 3.1.1 An application referenced N/2019/1201 under section 211 of the Town and Country Planning Act 1990 was validated on 18 September 2019 and gave notice of the intention to fell one mature lime tree in the rear garden of 33 Dave Bowen Close, NN5 4US, see Photo 1.
- 3.1.2 The individual tree is one in the long line of trees that border St Crispin's Park, the public open space behind Berrywood Road and Southfield Road. Of those trees, 69 remain in the public open space to the north, whilst the ten identified in the order have been incorporated into private rear gardens, and many more continue the line to the south, to the rear of 146 Southfield Road, see Photos 2, 3 and 4.

- 3.1.3 The tree in the rear garden of 33 Dave Bowen Close appeared to the Tree Officer to be in good health and condition overall and in his opinion, it can reasonably be expected that the tree had a safe useful life expectancy of between 40 and 100 years, see Photos 1 and 5.
- 3.1.4 Following site visits the Tree Officer came to the view that the removal of this one tree would have a negative impact upon public amenity and would also set a precedent for neighbours to remove other trees, so further degrading the local landscape.
- 3.1.5 The Council can make a Tree Preservation Order if it appears to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

3.2 Issues

3.2.1 Government guidance

- 3.2.2 The Council had until 30 October 2019 to respond to the notification, and under the guidance to the Regulations that response could only take one of three forms:
- to make a Tree Preservation Order;
 - not to make an Order and inform the person who gave notice that the work can go ahead; or
 - not to make an Order and allow the 6-week notice period to end, after which the proposed work may be done within 2 years of the date of the notice.
- 3.2.3 The long line of lime trees that bordered the open space and flanked Southfield Road provided a huge amenity from a great many public vantage points, and our opinion was that the removal of one of the trees would create a gap in the rhythm of the flowing line disrupting the soft backdrop to the Southfield Road properties, see Photos 6 and 7.
- 3.2.4 A S211 notice is not an application for consent under an Order and so the Council cannot:
- refuse consent; or
 - grant consent subject to conditions
- and so, to prevent what we considered to be inappropriate work as it would significantly detract from the public amenity, we were compelled to serve a Tree Preservation Order.
- 3.2.6 When deliberating over whether it is appropriate to make an Order the Council uses a systematic methodology known as the Tree Evaluation Method for Preservation Orders, see Appendix 1.
- 3.2.7 The long line of lime trees that borders the open space, see Photo 1, provided a huge amenity from a great many public vantage points, and our opinion was that the removal of one of the trees would create a gap in the rhythm of the flowing line disrupting the soft backdrop to the properties of Southfield Road.
- 3.2.8 Under TEMPO the individual tree in the rear garden of 33 Dave Bowen Close achieved a score of 22, see Appendix 2.
- 3.2.9 Therefore, Tree Preservation Order No. 240 was served on 25 October 2019. The opportunity was taken to include the ten individual mature lime trees in the rear gardens of Dave Bowen Close and behind the NHS property in Willow Close, in the order, see Appendix 3.

3.2.10 Public reaction

- 3.2.11 Since the Order was served four letters have been received from properties in Southfield Road, but not from 33 Dave Bowen Close, see Appendix 4.
- 3.2.12 A letter dated 4 November 2019 from Mr Todd of 72 Southfield Road suggested that lime was an unsuitable species for protection, and that the trees bordering St Crispin's Park (managed by the authority) had not been maintained in the six years he had been resident in the property. The Tree Officer responded on 3 December.
- 3.2.13 Mr Evans and Mrs Oakenfull of 60 Southfield Road wrote on 10 November to suggest that the trees were an unsuitable species in an unsuitable position for protection, those comments were responded to by the Tree Officer on 10 December.
- 3.2.14 Mr Leeson and Ms Smith of 66 Southfield Road wrote to Legal Services on 13 November stating that the trees were an unsuitable species in an unsuitable position for protection, those comments were responded to by Legal Services on 13 November and the Tree Officer on 13 December.
- 3.2.15 Mrs Harrison of 52 Southfield Road wrote on 23 November to assert that the trees had not been maintained in recent years and to query liability in the event of a damage, her queries were answered by Legal Services on 28 November.

3.2.16 Responses to the objectors

- 3.2.17 In general the comments raised do not address the question of public amenity, the threshold test for the serving of an Order, but focus more on the consequences of trees behaving as nature intended, and the negative issues that arise for them as householders from falling leaves, honeydew etc. The Council's response to each letter are included in Appendix 4.

3.2.18 Conclusion

- 3.2.19 The letters of objection have been carefully considered but it has been concluded that the protection of the lime tree was necessary to avoid the possibility of the individual tree's removal, and to prevent precedent that would allow further removals, and the strongly adverse impact that any tree removal would have upon local amenity.
- 3.2.20 Accordingly, it is recommended that Committee confirm Tree Preservation Order No. 240 without modification.

3.2 Choices (Options)

- 3.4.1 Option 1 – confirm Tree Preservation Order 240 without modification.
- 3.4.2 Option 2 – allow the provisional Tree Preservation Order to lapse without confirmation.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 The report does not set new policy and does not have any implication on any existing policies.

4.2 Resources and Risk

- 4.2.1 The tree is under private ownership and are therefore the responsibility of the land owner.
- 4.2.2 The only financial implications are the serving of the Tree Preservation Order (already served), the confirming of the order (if approved) and officer time dealing with any applications for work to the trees.
- 4.3 Legal**
- 4.3.1 The tree remains the legal responsibility of the tree owner. The only legal implications are the Council's statutory responsibilities to administer any application for work to the tree.
- 4.4 Equality**
- 4.4.1 It is not anticipated that including the tree in the Tree Preservation Order will have any direct impact on equalities, community safety, or economic issues or a perceptible impact on the social well-being, leisure and culture, or health issues.
- 4.5 Consultees (Internal and External)**
- 4.5.1 No additional consultees
- 4.6 Environmental Implications (including climate change issues)**
- 4.6.1 With regard to sustainability, the protection of the trees by Tree Preservation Order should prevent unnecessary pruning or premature removal and thereby ensure their environmental benefits continue for as long as possible.
- 4.7 Other Implications**
- 4.7.1 It is not anticipated that including the tree in the Tree Preservation Order will raise any other implications.

5. Background Papers

- 5.1.1 TEMPO explained, Appendix 1.
- 5.1.2 The completed TEMPO score sheet, Appendix 2.
- 5.1.3 Tree Preservation Order No. 240 land to rear 48 – 84 Southfield Road, Northampton, NN5 6HL, Appendix 3.
- 5.1.4 The public reactions and Council's response to each letter, Appendix 4.

Jonathan Hazell
Arboricultural Officer
8812

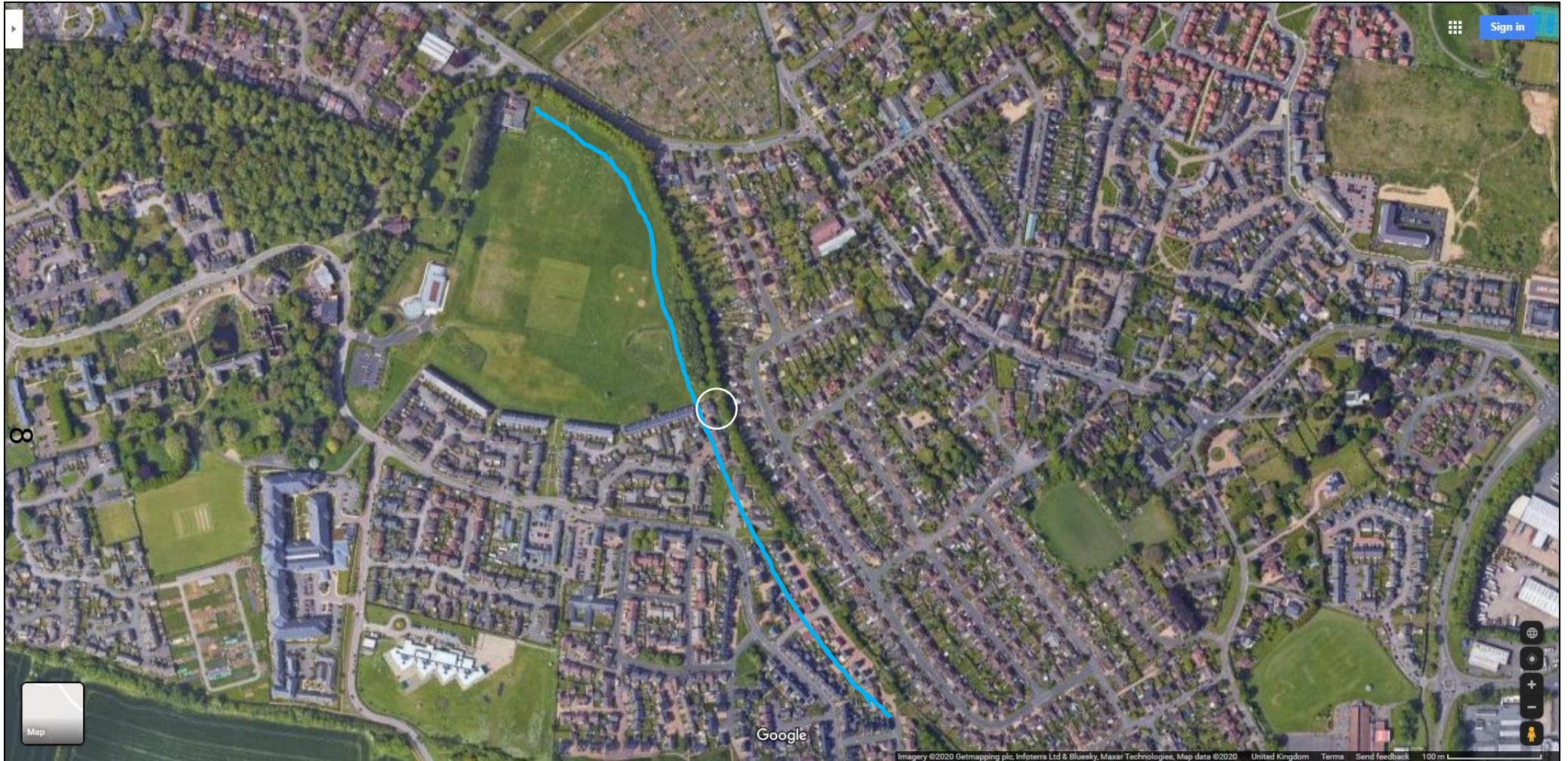
PHOTOGRAPHS

PHOTO 1



The tree referred to in N/2019/1201

PHOTO 2



KEY:

The position of individual tree referred to in N/2019/1201 is indicated by the white circle
The overall line of trees is indicated by the blue line

PHOTO 3



The line of mature lime trees bordering St Crispin's Park

PHOTO 4



The line of mature lime trees bordering St Crispin's Park, the particular tree highlighted

PHOTO 5



The particular tree bordering St Crispin’s Park is highlighted

PHOTO 6



Part of the line of trees behind the properties of Southfield Road.

PHOTO 7



The particular tree viewed from Southfield Road.

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- Planning
- TPO
- Safety Inspection
- Subsidence
- Expert Witness
- Design

Forbes- Laird Arboricultural Consultancy



Principal Consultant:
Julian Forbes-Laird
BA(Hons), MICFor, MEWI, M.Arbor.A, Dip.Arb.(RFS)

TEMPO

Tree Evaluation Method for Preservation Orders

A systematised assessment tool for TPO suitability

GUIDANCE NOTE FOR USERS

November 2009

*To be read in conjunction with TEMPO pro forma,
included at the end of this document*



Introduction

Background

The impetus to take a fresh look at existing TPO suitability evaluation methods grew out of the preparation for a local authority of a detailed Method Statement for reviewing Tree Preservation Orders (TPOs) in 2002. The client wanted the Method Statement to include a reliable means of assessing trees for TPO suitability, and asked for a bespoke system.

Having looked closely at what was already available, JFL decided that there was considerable room for improvement, as each of the better-known existing methods has disadvantages.

Accordingly, TEMPO was developed by JFL (whilst working as a Senior Consultant at CBA Trees) as a direct response to the apparent continuing uncertainty about what attributes a tree should have in order to merit statutory protection by TPO.

Overview

TEMPO is designed as a field guide to decision-making, and is presented on a single side of A4 as an easily completed pro forma. As such, it stands as a record that a systematic assessment has been undertaken.

TEMPO considers all of the relevant factors in the TPO decision-making chain. In this connection, it is helpful to revisit the wording of central government advice¹:

‘Although a tree may merit protection on amenity grounds it may not be expedient to make it the subject of a TPO’

From this, it becomes apparent that most existing methods are inadequate, seeking as they do solely to consider the tree rather than any known threats to its retention. TEMPO corrects this omission by including an expediency assessment within the framework of the method.

Excluding the first section, which is simply the survey record and is thus self-explanatory, TEMPO is a three-part system:

- Part 1 is the Amenity Assessment
- Part 2 is the Expediency Assessment
- Part 3 is the Decision Guide

These parts are set out and function as follows:

Part 1: Amenity Assessment

This part of TEMPO is broken down into four sections, each of which are related to suitability for TPO:

- a) Condition
- b) Retention span
- c) Relative public visibility
- d) Other factors

The first three sections form an initial assessment, with trees that 'pass' this going on to the fourth section. Looking at the sections in more detail:

a) Condition

This is expressed by five terms, which are defined as follows:

GOOD	Trees that are generally free of defects, showing good health and likely to reach normal longevity and size for species, or they may already have done so
FAIR	Trees which have defects that are likely to adversely affect their prospects; their health is satisfactory, though intervention is likely to be required. It is not expected that such trees will reach their full age and size potential or, if they have already done so, their condition is likely to decline shortly, or may already have done so. However, they can be retained for the time being without disproportionate expenditure of resources or foreseeable risk of collapse
POOR	Trees in obvious decline, or with significant structural defects requiring major intervention to allow their retention, though with the outcome of this uncertain. Health and/or structural integrity are significantly impaired, and are likely to deteriorate. Life expectancy is curtailed and retention is difficult
DEAD	Tree with no indication of life
DYING/ DANGEROUS	Trees showing very little signs of life or remaining vitality, or with severe, irremediable structural defects, including advanced decay and insecure roothold. Death or catastrophic structural failure likely in the immediate future, retention therefore impossible as something worthy of protection

The scores are weighted towards trees in good condition. It is accepted that trees in fair and poor condition should also get credit, though for the latter this is limited to only one point. Dead, dying or dangerous trees should not be placed under a TPO, hence the zero score for these categories, due to exemptions within the primary legislation.

For trees in good or fair condition that have poor form deduct one point.

A note on the pro forma emphasizes that 'dangerous' should only be selected in relation to the tree's existing context: a future danger arising, for example, as a result of development, would not apply. Thus, a tree can be in a state of collapse but not be dangerous due to the absence of targets at risk.

Where a group of trees is being assessed under this section, it is important to score the condition of those principle trees without which the group would lose its aerodynamic or visual cohesion. If the group cannot be 'split' in this way, then its average condition should be considered.

Each of the condition categories is related to TPO suitability.

b) Retention span

The reason that this is included as a separate category to 'condition' is chiefly to mitigate the difficulty of justifying TPO protection for veteran trees. For example, it is necessary to award a low score for trees in 'poor condition', though many veteran trees that could be so described might have several decades' potential retention span.

This factor has been divided into ranges, which are designed to reflect two considerations:

- It has long been established good practice that trees incapable of retention for more than ten years are not worthy of a TPO (hence the zero score for this category); this also ties in with the R category criteria set out in Table 1 of BS5837:2005
- The further ahead one looks into the future, the more difficult it becomes to predict tree condition: hence the width of the bands increases over time

Scores are weighted towards the two higher longevities (40-100 and 100+), which follow the two higher ranges given by Helliwell².

The Arboricultural Association (AA) publishes a guide³ to the life expectancy of common trees, which includes the following data:

300 years or more	Yew
200-300	Common [pedunculate] oak, sweet chestnut, London plane, sycamore, limes
150-200	Cedar of Lebanon, Scots pine, hornbeam, beech, tulip tree, Norway maple
100-150	Common ash, Norway spruce, walnut, red oak, horse chestnut, field maple, monkey puzzle, mulberry, pear
70-100	Rowan, whitebeam, apple, wild cherry, Catalpa, Robinia, tree of heaven
50-70	Most poplars, willows, cherries, alders and birches

The above should be considered neither prescriptive nor exclusive, and it is certainly not comprehensive, though it should assist with determining the theoretical overall lifespan of most trees. However, TEMPO considers 'retention span', which is a more practical assessment based on the tree's current age, health and context as found on inspection.

It is important to note that this assessment should be made based on the assumption that the tree or trees concerned will be maintained in accordance with good practice, and will not, for example, be subjected to construction damage or inappropriate pruning. This is because if the subject tree is 'successful' under TEMPO, it will shortly enjoy TPO protection (assuming that it doesn't already).

If a group of trees is being assessed, then the mean retention span of the feature as a whole should be evaluated. It would not be acceptable, for example, to score a group of mature birches based on the presence of a single young pedunculate oak.

A note on the pro forma identifies for inclusion in the less than ten years band trees which are assessed being an existing or near future nuisance, including those clearly outgrowing their context, or which are having an adverse effect on adjacent trees of better quality.

The nuisance element is introduced to cover situations where, for example, a Section 211 Notice has been received by the LPA for removal of a tree causing subsidence damage. In relation to outgrowing context, some common sense is needed here: if the trees are being considered for TPO protection prior to development, and if it is apparent that demolition of existing structures will be a component of this process, then a tree should not be marked down simply because it is standing hard up against one of the existing structures.

As with condition, the chosen category is related to a summary of TPO suitability.

c) Relative public visibility

The first thing to note in this section is the prompt, which reminds the surveyor to consider the 'realistic potential for future visibility with changed land use'. This is designed to address the commonplace circumstance where trees that are currently difficult to see are located on sites for future development, with this likely to result in enhanced visibility. The common situation of backland development is one such example.

The categories each contain two considerations: size of tree and degree of visibility. I have not attempted to be too prescriptive here, as TEMPO is supposed to function as a guide and not as a substitute for the surveyor's judgement. However, I have found that reference to the square metre crown size guide within the Helliwell System⁴ can be helpful in reaching a decision.

Reference is made to 'young' trees: this is intended to refer to juvenile trees with a stem diameter less than 75mm at 1.5m above ground level. The reasoning behind this is twofold: this size threshold mirrors that given for trees in Conservation Areas, and trees up to (and indeed beyond) this size may readily be replaced by new planting.

In general, it is important to note that, when choosing the appropriate category, the assessment in each case should be based on the minimum criterion.

Whilst the scores are obviously weighted towards greater visibility, we take the view that it is reasonable to give some credit to trees that are not visible (and/or whose visibility is not expected to change: it is accepted that, in exceptional circumstances, such trees may justify TPO protection⁵).

Where groups of trees are being assessed, the size category chosen should be one category higher than the size of the individual trees or the degree of visibility, whichever is the lesser. Thus a group of medium trees would rate four points (rather than three for individuals) if clearly visible, or three points (rather than two) if visible only with difficulty.

Once again, the categories relate to a summary of TPO suitability.

Sub-total 1

At this point, there is a pause within the decision-making process: as the prompt under 'other factors' states, trees only qualify for consideration within that section providing that they have accrued at least seven points. Additionally, they must not have collected any zero scores.

The total of seven has been arrived at by combining various possible outcomes from sections a-c.

The scores from the first three sections should be added together, before proceeding to section d, or to part 3 as appropriate (i.e. depending on the accrued score). Under the latter scenario, there are two possible outcomes:

- 'Any 0' equating to 'do not apply TPO'
- '1-6' equating to 'TPO indefensible'

d) Other factors

Assuming that the tree or group qualifies for consideration under this section, further points are available for four sets of criteria, however only one score should be applied per tree (or group):

- 'Principle components of arboricultural features, or veteran trees' – The latter is hopefully self-explanatory (if not, refer to Read 2000⁶). The former is designed to refer to trees within parklands, avenues, collections, and formal screens, and may equally apply to individuals and groups
- 'Members of groups of trees that are important for their cohesion' – This should also be self-explanatory, though it is stressed that 'cohesion' may equally refer either to visual or to aerodynamic contribution. Included within this definition are informal screens. In all relevant cases, trees may be assessed either as individuals or as groups
- 'Trees with significant historical or commemorative importance' – The term 'significant' has been added to weed out trivia, but we would stress that significance may apply to even one person's perspective. For example, the author knows of one tree placed under a TPO for little other reason than it was planted to commemorate the life of the tree planter's dead child. Thus whilst it is likely that this category will be used infrequently, its inclusion is nevertheless important. Once again, individual or group assessment may apply
- 'Trees of particularly good form, especially if rare or unusual' – 'Good form' is designed to identify trees that are fine examples of their kind and should not be used unless this description can be justified. However, trees which do not merit this description should not, by implication, be assumed to have poor form (see below). The wording of the second part of this has been kept deliberately vague: 'rare or unusual' may apply equally to the form of the tree or to its species. This recognises that certain trees may merit protection precisely because they have 'poor' form, where this gives the tree an interesting and perhaps unique character. Clearly, rare species merit additional points, hence the inclusion of this criterion. As with the other categories in this section, either individual or group assessment may apply. With groups, however, it should be the case either that the group has a good overall form, or that the principle individuals are good examples of their species

Where none of the above apply, the tree still scores one point, in order to avoid a zero score disqualification (under part 3).

Sub-total 2

This completes the amenity assessment and, once again, there is a pause in the method: the scores should be added up to determine whether or not the tree (or group) has sufficient amenity to merit the expediency assessment.

The threshold for this is nine points, arrived at via a minimum qualification calculated simply from the seven-point threshold under sections a-c, plus at least two extra points under section d. Thus trees that only just scrape through to qualify for the 'other factor' score, need to genuinely improve in this section in order to rate an expediency assessment. This recognises two important functions of TPOs:

- TPOs can serve as a useful control on overall tree losses by securing and protecting replacement planting
- Where trees of minimal (though, it must be stressed, adequate) amenity are under threat, typically on development sites, it may be appropriate to protect them allowing the widest range of options for negotiated tree retention

Part 2: Expediency assessment

This section is designed to award points based on three levels of identified threat to the trees concerned. Examples and notes for each category are:

- 'Immediate threat to tree' – for example, Tree Officer receives Conservation Area notification to fell
- 'Foreseeable threat to tree' – for example, planning department receives application for outline planning consent on the site where the tree stands
- 'Perceived threat to tree' – for example, survey identifies tree standing on a potential infill plot

However, central government advice⁷ is clear that, even where there is no expedient reason to make a TPO, this is still an option. Accordingly, and in order to avoid a disqualifying zero score, 'precautionary only' still scores one point. This latter category might apply, rarely for example, to a garden tree under good management.

Clearly, other reasons apply that might prevent/usually obviate the need for the making of a TPO. However, it is not felt necessary to incorporate such considerations into the method, as it is chiefly intended for field use: these other considerations are most suitably addressed as part of a desk study.

As a final note on this point, it should be stressed that the method is not prescriptive except in relation to zero scores: TEMPO merely recommends a course of action. Thus a tree scoring, say, 16, and so 'definitely meriting' a TPO, might not be included for protection for reasons unconnected with its attributes.

Part 3: Decision Guide

This section is based on the accumulated scores derived in Parts 1 & 2, and identifies four outcomes, as follows:

- Any 0 Do not apply TPO

Where a tree has attracted a zero score, there is a clearly identifiable reason not to protect it, and indeed to seek to do so is simply bad practice

- 1-6 TPO indefensible
This covers trees that have failed to score enough points in sections 1a-c to qualify for an 'other factors' score under 1d. Such trees have little to offer their locality and should not be protected
- 7-11 Does not merit TPO
This covers trees which *have* qualified for a 1d score, though they may not have qualified for Part 2. However, even if they have made it to Part 2, they have failed to pick up significant additional points. This would apply, for example, to a borderline tree in amenity terms that also lacked the protection imperative of a clear threat to its retention
- 12-15 Possibly merits TPO
This applies to trees that have qualified under all sections, but have failed to do so convincingly. For these trees, the issue of applying a TPO is likely to devolve to other considerations, such as public pressure, resources and 'gut feeling'
- 16+ Definitely merits TPO
Trees scoring 16 or more are those that have passed both the amenity and expediency assessments, where the application of a TPO is fully justified based on the field assessment exercise

Notation boxes

Throughout the method, notation space is provided to record relevant observations under each section. For local authorities using TEMPO, it may even be helpful to include a copy of the TEMPO assessment in with the TPO decision letter to relevant parties, as this will serve to underline the transparency of the decision-making process.

Conclusion

TEMPO is a quick and easy means of systematically assessing tree or group suitability for statutory protection. It may be used either for new TPOs or for TPO re-survey, especially where Area TPOs are being reviewed.

From the consultants' perspective, it is also an effective way of testing the suitability of newly applied TPOs, to see whether they have been misapplied, or it can be used to support a request to make a TPO in respect of trees at risk, for example from adjacent development.

TEMPO does not seek to attach any monetary significance to the derived score: the author recommends the use of the Helliwell System where this is the objective.

CBA Trees owns the copyright for TEMPO, however the method is freely available, including via internet download through the FLAC website (www.flac.uk.com) and the Arboricultural Information Exchange www.aie.org.uk

TEMPO has undergone a number of minor revisions since its inception, many of which are due to helpful comments received from users. Any feedback on the method is gratefully received by the author.

JFL

Contact: jfl@flac.uk.com

References

- 1 'Tree Preservation Orders: A Guide to the Law and Good Practice', DETR 2000
- 2 'Visual Amenity Valuation of Trees and Woodlands', DR Helliwell, Arboricultural Association 2003 [the Helliwell System]
- 3 'Tree Management', Leaflet No. 4, Arboricultural Association 1991
- 4 Helliwell op. cit.
- 5 DETR 2000 op. cit. at para. 3.3 (1)
- 6 'Veteran Trees: A Guide to Good Management', Helen Read, English Nature 2000
- 7 DETR 2000 op. cit. at para. 3.5

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date:	Surveyor:
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Tree details		
TPO Ref (if applicable):	Tree/Group No:	Species:
Owner (if known):	Location:	

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

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

Score & Notes

** 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 & Notes

**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 |

Score & Notes

d) Other factors

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

- | | |
|--|--------------------------|
| 5) Principal components of arboricultural features, or veteran trees | Score & Notes |
| 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 (inc. those of indifferent form) | |

Score & Notes

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 & Notes

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 |

Add Scores for Total:

Decision:

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

Date: 25/10/2019

App:

Land to the rear 48 – 84 Southfield Road

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

- | | | |
|---|--------------------|-------------------------|
| 5 | Good | Highly suitable |
| 3 | Fair | Fairly Suitable |
| 1 | Poor | Unlikely to be suitable |
| 0 | Dead or dangerous* | Unsuitable |

Notes:

4

** 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 |

Notes:

4

**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 |

Notes:

5

d) Other factors

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

13

- | | |
|---|---|
| 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 (inc. those of indifferent form) |

4

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

17

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

Notes:

5

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 |

22

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**TOWN AND COUNTRY PLANNING (TREE PRESERVATION)(ENGLAND)
REGULATIONS 2012**

TREE PRESERVATION ORDER

**Town and Country Planning Act 1990
The Northampton Borough Council
Tree Preservation Order No. 240
Land to the rear of 48-84 Southfield Road
Northampton (2019)**

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

Citation

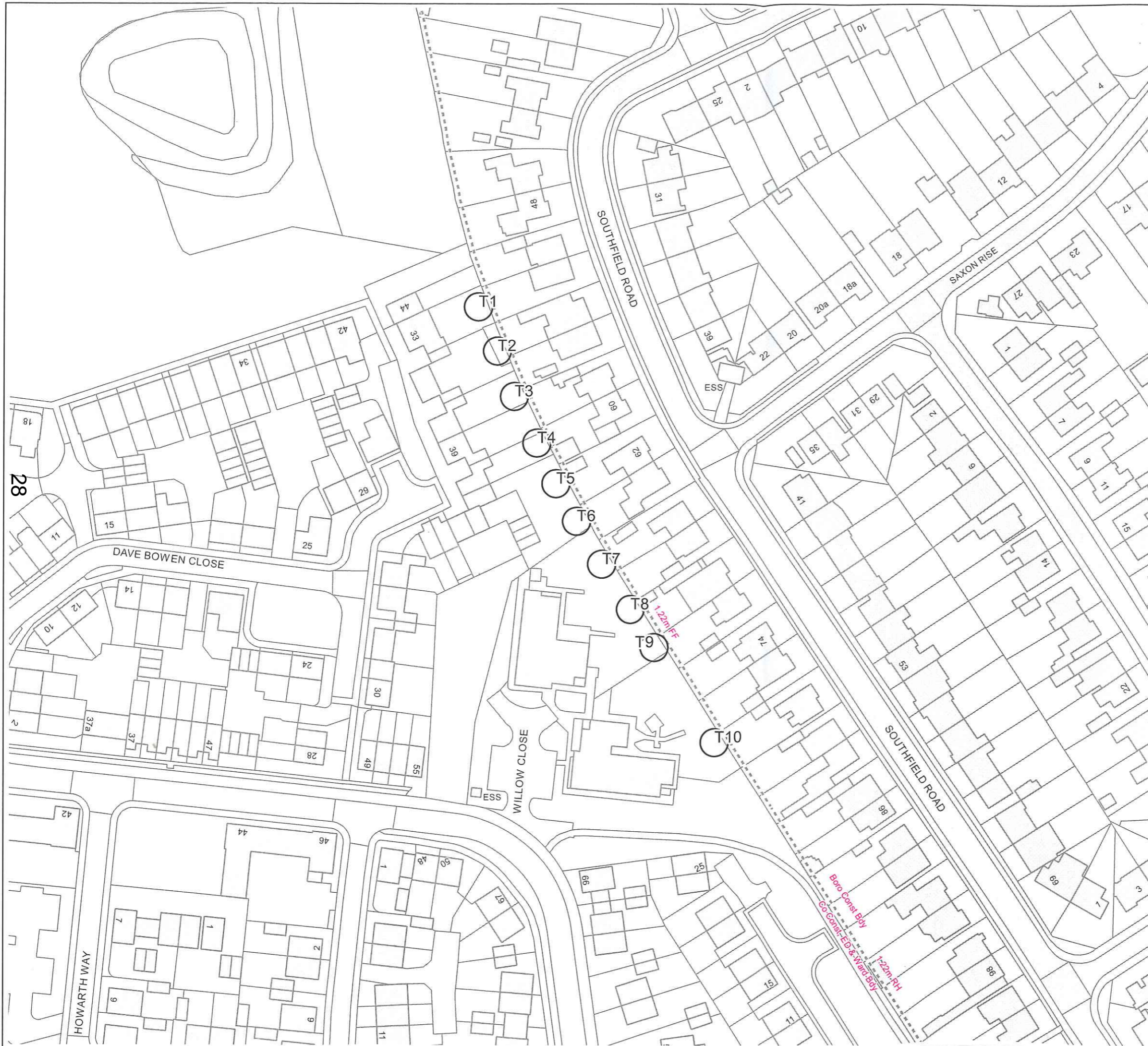
1. This Order may be cited as the Tree Preservation Order No. 240 Land to the rear of 48-84 Southfield Road, Northampton (2019)

Interpretation





2. (1) In this Order “the authority” means the Northampton Borough Council.
- (2) In this Order any reference in this Order 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 County Planning (Tree Preservation)(England) Regulations 2012.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on 25th October 2019.
- (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.



Built & Natural Environment
 Planning Services
 Northampton Borough Council
 The Guildhall
 Northampton
 NN1 1DE


TPO No:	240
Address:	Land to the rear 48-84 Southfield Road
Date:	25-10-2019
Scale:	1:1,000 @ A3
 Individual Trees  Group of Trees  Woodland	
	 <i>James Chadwick</i> 6534 James Chadwick Authorised Officer
 Authorised Officer
© Crown copyright and database rights 2017 Ordnance Survey licence no. 10019655	

Dated this 25th day of October 2019

The Common Seal of
NORTHAMPTON BOROUGH COUNCIL
was hereunto affixed
in the presence of—



6534



James Chadwick
Authorised Officer

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation – See Plan in all cases
T1	Large mature lime tree	Rear of 33 Dave Bowen Close, see plan
T2	Large mature lime tree	Rear of 35 Dave Bowen Close, see plan
T3	Large mature lime tree	Rear of 37 Dave Bowen Close, see plan
T4	Large mature lime tree	Rear of 41 Dave Bowen Close, see plan
T5	Large mature lime tree	Rear of 43 Dave Bowen Close, see plan
T6	Large mature lime tree	Rear of 43 Dave Bowen Close, see plan
T7	Large mature lime tree	Rear of Willow Close, see plan
T8	Large mature lime tree	Rear of Willow Close, see plan
T9	Large mature lime tree	Rear of Willow Close, see plan
T10	Large mature lime tree	Rear of Willow Close, see plan

Trees specified by reference to an area (within a dotted black line on the map)

Reference on map	Description	Situation – See Plan in all cases
A1	None	

Groups of trees (within a broken black line on the map)

Reference on map	Description	Situation – See Plan in all cases
G1	None	

Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation – See Plan in all cases
W1	None	

72 Southfield Road
Northampton
NN5 6HL
01604 750709
davidctodd1@gmail.com

Monday, 04 November 2019

Dear Mr Hazell

NBC Tree Preservation Order No240
Land to rear of 48-84 Southfield Road, Northampton

I write to acknowledge your authorities letter of 25th October imposing the above mentioned Tree Preservation Order. I am writing to let you know of my objections to the order on the following grounds; Nuisance, Climate Change and Fairness.

Nuisance

We have lived here for four years and during that time we have come to realise what a nuisance these lime trees cause to us and **all** who live in houses close to them. For significant periods of the year we are solely employed in the garden clearing fallen leaves, twigs and branches. The trees not only drop leaves but seed and spit. This proves to be a constant problem for our gutters and roof gully's which get blocked with annoyingly costly frequency. We are unable to use outside clothes lines as they and any clothing left on them are coated in sticky lime. As are our house windows and even our car parked to the front of the house gets a regular coating. It was difficult enough to get tree owners to take action before the order. Now it will be even more difficult! We often put out two large brown bins of tree waste. As we get older I suspect that will become even more challenging to achieve.

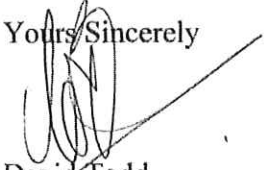
Climate Change

In the relatively brief time we have lived here we have been able to note the effect of climate change on our weather and in turn, the effect it is having on the trees to our rear. Using schoolboy trigonometry I estimate that the tree to our rear (No 9) is in excess of 90ft high. The rear of our house is some 45ft from the base of the tree. All the data I have read on these trees suggests that they can grow some 2 to 4 feet a year. When the winds blow as they have been doing so over the last few days, it is easy to imagine this enormous tree or others (within the order) falling on a house. We regularly get pelted by twigs and branches which hit the windows of our property. In the garden we have often found large boughs which could have seriously injured anyone underneath. This threat is only going to get worse by all forecasts and the prospect of having to go through even more layers of bureaucracy to get any remedial work done is appalling.

Fairness

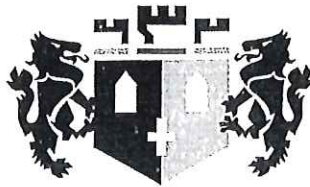
We have owned this property for more than 6 years and during that time we do not recall any maintenance being done by the borough council on the trees situated in the park land to the right rear of our property (St Crispin's Park). It only seems fair to me, that should this order be confirmed, that it should extend to the trees in the park too. If the tree owners are to be burdened with layers of bureaucracy why should the council be allowed to get away without? It's long been said that "what's sauce for the goose should be sauce for the gander".

Yours Sincerely


David Todd

J Hazell Esq Project Officer Arboriculture
Northampton Borough Council
The Guildhall, St Giles Square
Northampton NN1 1DE





**NORTHAMPTON
BOROUGH COUNCIL**

Planning Service
The Guildhall
St Giles Square
Northampton, NN1 1DE

Tel: 0300 330 7000
Minicom: (01604) 838970
E-Mail: planning@northampton.gov.uk

Mr D Todd
72 Southfield Road
NORTHAMPTON
NN5 6HL

Our Ref: TPO 240
Contact: Jonathan Hazell
Telephone No: 01604 838812
Email: JHazell@northampton.gov.uk
Date: 3 December 2019

Dear Mr Todd,

TPO No. 240 – land to the rear of 48 – 84 Southfield Road, Duston

I write to acknowledge receipt of, and thank you for, your letter of objection to the serving of TPO No. 240 dated 4 November, upgrading the protection offered to these particular trees within the St Crispin Hospital Conservation Area.

You categorise your objections under the three main headings of nuisance, climate change and fairness.

Under nuisance you raised several points, including:

- leaves in the autumn
- deadwood in the crowns throughout the year
- seed in July
- honeydew in spring

Unfortunately, trees behaving as nature intended, for example

- seasonally losing leaves, shedding pollen or dropping fruit,
- developing dead wood throughout their lives, and dropping small dead twigs or branches at any time of year,
- growing tall as they mature and swaying in the wind,

are not grounds for grounds for consent to carry out for work to a tree that is individually protected by a TPO or which is growing within a CA. By extension therefore it is not grounds, in our opinion, to refuse to confirm the Order.

Under climate change you raise the concern of falling branches, and an administrative hurdle to go through before any work can be undertaken. Climate change, whilst a genuine current concern, is not considered when reviewing an application to carry out work to a protected tree as it is not one of the criteria under which the Order was served, which was for public amenity. Falling branches has been dealt with above, and the administrative burden is different, but of no greater magnitude, than the current requirements under the Conservation Area regulations.

Under your final heading, of fairness, you may not have noticed that the line of 69 lime trees surrounding the open space were worked on this summer by our environmental services

contractor, and that they had carried out that work after we raised no objection to their formal notification N/2018/1603.

I hope the above explains the background to the making of the Order and will allow you to withdraw your objection to its serving? If so, then please would you write to confirm your withdrawal of your objection? If your objection were to stand then we would be obliged to hold a specific Committee meeting to seek their approval for the confirmation of the Order, rather than simply rely upon the delegated authority that has been given to the Head of Planning to confirm the order, an example of being "burdened with layers of bureaucracy" that you seem to decry in your letter.

I trust that the above comments are of assistance. Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Yours sincerely,

Jonathan Hazell
Arboricultural Officer
Planning Service

Working pattern: 08:00 – 16:00, Tuesday and Thursday



**NORTHAMPTON
BOROUGH COUNCIL**

Planning Service
The Guildhall
St Giles Square
Northampton, NN1 1DE

Tel: 0300 330 7000
Minicom: (01604) 838970
E-Mail: planning@northampton.gov.uk

Mr D Evans
60 Southfield Road
NORTHAMPTON
NN5 6HN

Our Ref: TPO 240
Contact: Jonathan Hazell
Telephone No: 01604 838812
Email: JHazell@northampton.gov.uk
Date: 3 December 2019

Dear Mr Evans,

TPO No. 240 – land to the rear of 48 – 84 Southfield Road, Duston

I write to acknowledge receipt of, and thank you for, your comprehensive letter dated 10 November that was written following the serving of TPO No. 240 that sought to upgrade the existing protection offered to some of the trees within the St Crispin Hospital Conservation Area.

You have raised several points about the lime trees which I have listed below:

- deadwood in the crowns throughout the year
- honeydew in spring
- pollen in June
- seed in July
- leaves in the autumn

Unfortunately, trees behaving as nature intended, for example

- seasonally losing leaves, shedding pollen or dropping fruit,
- developing dead wood throughout their lives, and dropping small dead twigs or branches at any time of year,
- growing tall and swaying in the wind

are not grounds for grounds for consent to carry out work to a tree that is protected by a TPO or which is growing within a CA. By extension therefore it is not grounds, in our opinion, to refuse to confirm the Order.

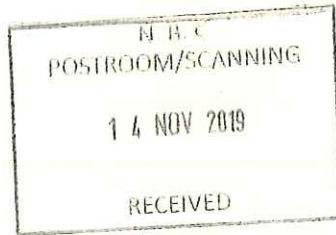
Your observations about the history of the trees, whilst interesting, is not of direct bearing to the serving and confirmation of this particular Order: the purpose of a TPO is not to prevent management, but rather to allow tree management that will maintain the public amenity. The serving of the Order need not therefore prevent a management plan from being put in place, but it is not our role to do that.

I trust that the above comments are of assistance. Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Yours sincerely,


Jonathan Hazell
Arboricultural Officer
Planning Service

Working pattern: 008:00 – 16:00, Tuesday and Thursday



David Evans
60 Southfield Road
Duston
Northampton
NN5 6HN

☎01604 460321
dh.evans659@ntlworld.com

Mr Johnathan Hazell
Project Officer
Arboriculture
Northampton Borough Council
The Guild Hall
St Giles Square
Northampton
NN1 1DE

Your Ref: LP/PTP008522

10 November 2019

Dear Mr Hazell

Tree Preservation Order No. 240

Thank you for your letter LP/PTP008522 dated 25/10/19.

Your letter contains the paragraph:

The Council have made the order because the trees included within this Order have been assessed as being eligible for protection on grounds that they individually and collectively provide considerable public amenity being highly publicly visible within the landscape and are of good form and condition.

I will agree they are fine looking specimens, but hidden beneath the leaf canopy there are a number of dead branches, normally fairly small, earlier this year a more substantial dead branch approx. 75 mm diameter was blown down in high winds, it damaged the fence to No 39 Dave Bowen Close. Looking from afar they are highly visible and statuesque, but when one gets closer, it's clear to see they do have some fairly antisocial habits.

The first of the annoying deposits from the trees comes in April, a sticky substance secreted by the aphids that live on the leaves, this substance lands on everything uncovered in the garden, washing lines, patio furniture, windows and window cills, plant pots and even plant leaves and cars, the only way it can be removed is with hot soapy water.

The second annoying substance comes in June, this is a yellow dusty, powdery substance, this substance is made up from the component parts of the flowers;



This fine dust comes down in such quantities that it ~~can~~ block the outlets in gutters and surface drains.

The third onslaught comes from the seed pods.



This is the fruit of the lime tree and also contains its mechanism of distributing the seeds for onward propagation. These start falling in July and continue until the end of September. It is no exaggeration to say that these get everywhere, gutters, drains, doorways. It is easy to fill the brown wheelie bin with these seed pods and winglets and then fill it again for its' next collection.

The last item to cause grief is of course the leaves, as you are aware these trees have massive canopies made up of huge quantities of leaves, these leaves come from all directions, it is not just the tree directly behind our individual properties. The leaf drop starts in October and continues on until the end of December. Once you think you have cleared them all, a wind blows and small piles of leaves are deposited by wind eddies. Before any use of the washing machine, I have to physically go outside to ensure the outside drain is clear of dead leaves, whatever the month this has to be done to ensure the waste water goes down the drain and is not causing a micro flood underneath the kitchen window.

What came first, the houses or the trees?

The houses and bungalows on the western side of Southfield Road (backing on to St Crispins) were built in 1953. My next door neighbour was one of the original occupants, he was a foreman draughtsman at The Express Lift Company in St James and his wife was employed in St Crispins Hospital. There were no trees when they occupied their new marital home. The land on which the trees stand was part of the St Crispins Hospital Farm.

The farm served two purposes, it provided food for the hospital and secondly it provided a useful and beneficial way for a lot of the patients to pass the time, they were employed as farm workers.

One summer the farmworkers were instructed to plant lime trees round the whole perimeter of the farm, this of course included behind the houses included on the current TPO. Originally the trees were planted too close together and after a few years their canopies were touching, several of the residents in Southfield Road, my neighbours' wife included campaigned to "get something done". The campaign was successful; every other tree was removed giving the remaining trees "elbow room" to carry on with their lives. I would like to suggest that now their canopies are once again touching something needs to be done about them. (Photo below).

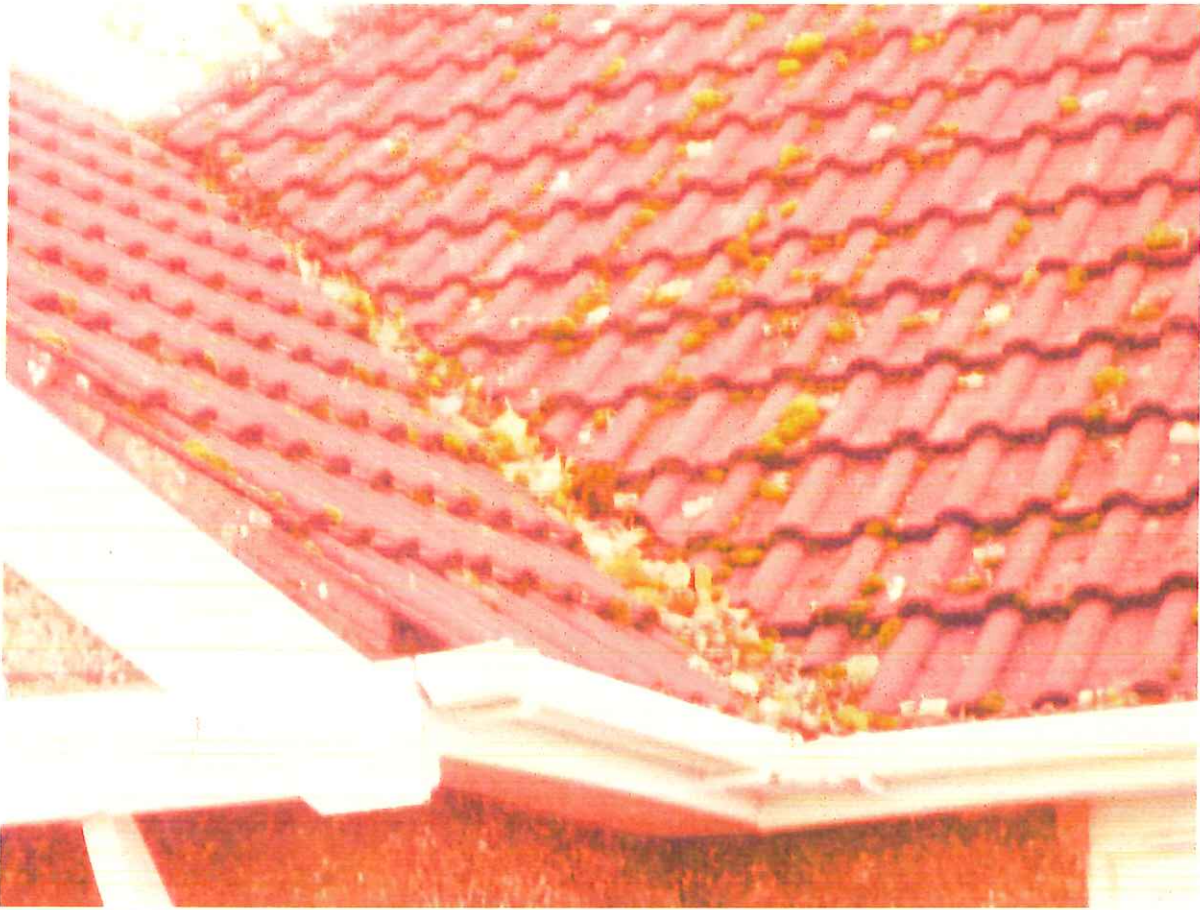
I'm sure in hindsight the hospital management would agree that a hawthorn hedge would have done the job as well as the trees if not better.

From afar they do provide a spectacle and a considerable public amenity. On a yearly basis we have to climb ladders to clean our gutters and roof gulleys, I am 65 years of age and paralysed in both legs from the knee down, I know I won't be able to climb the ladder forever, my neighbour one side is a full time wheelchair user, so he is paying for the removal of the leaves and on the other side there is a lady in her seventies, clearly she cannot be expected to climb ladders to clear up other peoples' rubbish!









Yours sincerely

D. H. Evans

David Evans

David Evans
60 Southfield Road
Duston
Northampton
NN5 6HN
☎ 01604 460321

dh.evans659@ntlworld.com

Councillor Suresh Patel
Northampton County Council
Cabinet Office
County Hall
George Row
Northampton
NN1 1DN

1 July 2015

Dear Mr Patel

Overgrown lime trees, Southfield Road, Duston

It has been about three weeks since I wrote to you about the lime trees in land adjacent to Southfield Road, Duston.

Whilst I was writing to you in early June, it appeared there was pruning program in place to give the trees a trim and thin out. Regrettably the (apparent) pruning program has come to a stop, in the grounds of the two council "Care In the community" bungalows.

We are in the part of the trees annual cycle where, through the aphids that live on the leaves are busy dispensing a sticky substance that covers any surface exposed to the influence of the trees' canopy, ie windows, washing lines, dust bins, cars, guttering, patio furniture, plant pots indeed the plant them selves' get their leaves covered in this sticky messy substance.

This will only last for another couple of weeks, then it will be the turn of the seed pods to leave the tree and require removal from rainwater gutters etc, and sweeping up where ever they fall.

Now the trees are in full leaf, their canopies as well as looking impressive from afar shield our back gardens from full sun from 3 o'clock in the afternoon. Their root systems drain our gardens of moisture and any extra goodness in the way of fertilizer we apply to our own plants is readily absorbed in to the root system of the trees.

In September 2014, a Councillor for the Eastern Districts was looking into a vast number of "Problematic" trees in his area, they had been planted in the expansion program in the 1970's, grown better than expected and were now becoming a problem. (Copy of newspaper cutting is enclosed).

Our trees follow a similar follow a similar pattern, the land they are growing in was farm land for the large hospital located in Berrywood. The farm was run and managed as an operational farm with crops and livestock and all the other things one would expect to find on a farm. My immediate neighbour was an employee at the hospital and can remember the trees being planted in 1953. As they flourished and grew their canopies quickly began to touch and merged in to one large green mass. My neighbour campaigned successfully to get every other tree removed for the health of the trees and in an effort to reduce nuisance to the occupants of Southfield Road.

Fast forward to today, the farm land that had a conservation order placed on it by the Council has been built on and the trees now are the gardens of the houses directly behind the line of trees.

To summarise, it would be fair to say that like the trees in the Eastern Districts, when they were planted it was a good idea, they have had little or no maintenance and upkeep lavished on them and they fall under the heading of problematic trees.

If you could look into this situation, I and my neighbours would be most grateful.

Yours sincerely

David Evans

60 Southfield Road

Eileen Oakenfull

60 Southfield Road



**NORTHAMPTON
BOROUGH COUNCIL**

Planning Service
The Guildhall
St Giles Square
Northampton. NN1 1DE

Tel: 0300 330 7000
Minicom: (01604) 838970
E-Mail: planning@northampton.gov.uk

Mrs E Oakenful
62 Southfield Road
NORTHAMPTON
NN5 6HN

Our Ref: TPO 240
Contact: Jonathan Hazell
Telephone No: 01604 838812
Email: JHazell@northampton.gov.uk
Date: 3 December 2019

Dear Mrs Oakenful,

TPO No. 240 – land to the rear of 48 – 84 Southfield Road, Duston

I write to acknowledge receipt of, and thank you for, your letter concerning the serving of TPO No. 240, upgrading the protection offered to these particular trees within the St Crispin Hospital Conservation Area.

You have raised several points which I have listed below:

- deadwood in the crowns throughout the year
- honeydew in spring
- pollen in June
- seed in July
- leaves in the autumn

Unfortunately, trees behaving as nature intended, for example

- seasonally losing leaves, shedding pollen or dropping fruit,
- developing dead wood throughout their lives, and dropping small dead twigs or branches at any time of year,
- growing tall as they mature and swaying in the wind,

are not grounds for grounds for consent to carry out work to a tree that is protected by a TPO or which is growing within a CA. By extension therefore it is not grounds, in our opinion, to refuse to confirm the Order.

The purpose of a TPO is not to prevent management, but rather to allow tree management that will maintain the public amenity, and so the serving of this Order need not prevent a management plan from being put in place, but it is not our role to do that.

I trust that the above comments are of assistance. Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Yours sincerely,

Jonathan Hazell
Arboricultural Officer
Planning Service

Working pattern: 008:00 – 16:00, Tuesday and Thursday

Notes from Eileen Oakenfull; owner/occupier of 62 Southfield Road.

Reference to the TPO 240; on the lime trees bordering the rear of my garden.

I have lived at 62 Southfield Road for 16 years and over that time the trees have never been looked after or had any attention, just left to grow wild, growing to their current height of 90 feet with their canopies once again touching creating a massive green wall causing the overshadowing our bungalows. Throughout the year shedding their unwanted goods on to my garden, surface drains, roof valleys and gutters. Any day of the year I can have leaves, winglets and seed pods not to mention dead branches brought down by high winds cluttering my beloved garden. My garden is my main hobby, the massive shade they create restricts my choice of planting, any irrigation or feeding I administer to my plants is immediately hijacked by the tree roots and if I do manage to nurture plants through the summer, the trees have the last laugh as they choke the plants in the autumn with their untold volume of leaves just dumped on my garden.

I cannot agree that the trees are of good form and condition, now their leaves are safely in our gardens, it is clear to see that they are desperately in need of attention, dead branches and branches too close to allow the tree to breathe. These trees need of an urgent a period of "catch-up" care and maintenance. With these trees being the size they are they deserve to be in open park land, after all they are an open country/ parkland tree, these trees now fifty years after they were planted are now inappropriately placed.

I have met local councillors on more than one occasion at my home to discuss the problem trees, I have had promises of works to be carried out, but nothing had ever materialised. I think it's time the residents of 48 – 84 Southfield Road were given consideration as well as the trees in this matter, our lives are blighted by these trees and their huge wall of green shade for the greater part of the year. It's time the residents, Council Tax payers were given the respect you wish to pay these trees.

I look forward to your reply.

Yours sincerely



Mrs Eileen Oakenful



**NORTHAMPTON
BOROUGH COUNCIL**

Fax: (01604) 837057
Minicom: (01604) 838970

Ms Smith & Mr Leeson
66 Southfield Road
Duston
Northampton
NN5 6HL

Our Ref: LP/PTP008522
Your Ref:
Contact: Lisa Pere
Direct Line: 01604 837339
Email: lpere@northampton.gov.uk
Date: 13 November, 2019

Dear Ms Smith & Mr Leeson

Re: TPO No. 240 – land to the rear of 48-84 Southfield Road, Duston

I write to acknowledge safe receipt and to thank you for your letter received at this office today.

I note the content of your letter and although it does not specifically state that you are objecting to the making of the preservation order, I will pass it onto our Arboricultural Officer, Mr Hazell in the event that he wishes to reply further.

I can confirm that the owner of the land on which the tree at the rear of your property is situated, is indeed the NHS. I have attached a copy of the Land Registry title for your information and which provides their registered office address, should you wish to write to them at any point. As landowner, the responsibility for the tree lies with them; even after the making of the preservation order, the tree remains in their ownership and their responsibility and so any concerns or issues regarding the tree should be addressed to them.

Yours sincerely

Lisa Pere
Property Paralegal
Legal Services

CC Jonathan FY1

66 Southfield Rd.

NN5-6HL.

With regard to the lime trees at the edge of our garden, which are actually on N.H.S. land i.e. the Brambels Kent Road. There are so many aspects that are bad they are towering over the garden & the property. The leaf fall starts in July and ends in December,

1 Sticky sap

2 The seeds which we round and hand collect in the guttering and all over the garden & Patio.

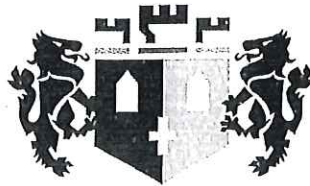
3 Small maggots float down on thin threads

4 We have had ~~two~~ Parasols which we had to throw away, because they were covered in the black sticky sap, you can't eat outside.

We love trees, we have three in our garden, but they are not lime trees. We maintain our trees so as they do not become a problem to other people.

Yours sincerely

J. B. Smider
M. Healy



**NORTHAMPTON
BOROUGH COUNCIL**

Planning Service
The Guildhall
St Giles Square
Northampton, NN1 1DE

Tel: 0300 330 7000
Minicom: (01604) 838970
E-Mail: planning@northampton.gov.uk

Ms Smith and Mr Leeson
66 Southfield Road
NORTHAMPTON
NN5 6HL

Our Ref: TPO 240
Contact: Jonathan Hazell
Telephone No: 01604 838812
Email: JHazell@northampton.gov.uk
Date: 3 December 2019

Dear Ms Smith and Mr Leeson,

TPO No. 240 – land to the rear of 48 – 84 Southfield Road, Duston

I write to acknowledge receipt of, and thank you for, your letter received on 13 November concerning the serving of TPO No. 240, upgrading the protection offered to these particular trees within the St Crispin Hospital Conservation Area.

You have raised several points which I have listed below:

- honeydew in spring
- seed in July
- falling aphids

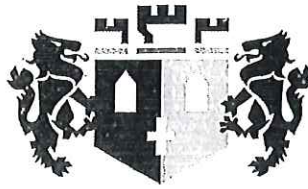
Unfortunately, trees behaving as nature intended, are not grounds for grounds for consent to carry out work to a tree that is individually protected by a TPO or which is growing within a CA. By extension therefore it is not grounds, in our opinion, to refuse to confirm the Order. The purpose of a TPO is not to prevent management, but rather to allow tree management that will maintain the public amenity, and so the serving of this Order need not prevent a management plan from being put in place, but it is not our role to do that.

I trust that the above comments are of assistance. Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Yours sincerely,

**Jonathan Hazell
Arboricultural Officer
Planning Service**

Working pattern: 08:00 – 16:00, Tuesday and Thursday



**NORTHAMPTON
BOROUGH COUNCIL**

Planning Service
The Guildhall
St Giles Square
Northampton, NN1 1DE

Tel: 0300 330 7000
Minicom: (01604) 838970
E-Mail: planning@northampton.gov.uk

Mrs V A Harrison
52 Southfield Road
NORTHAMPTON
NN5 6HN

Our Ref: TPO 240
Contact: Jonathan Hazell
Telephone No: 01604 838812
Email: JHazell@northampton.gov.uk
Date: 3 December 2019

Dear Mrs Harrison,

TPO No. 240 – land to the rear of 48 – 84 Southfield Road, Duston

I write following your letter to the Borough Secretary and the reply that you have received from Lisa Pere following the serving of TPO No. 240 dated 4 November.

I will not repeat Mrs Pere's comments, but I would like to let you know that we are aware that some work has recently been carried out to the trees on the NHS property at Willow Close, and that the line of 69 lime trees surrounding the open space were worked on this summer by our environmental services contractor.

I trust that the above comments are of assistance. Please note, however, that they represent the views of an officer only and cannot prejudice any decision of the Council as local planning authority.

Yours sincerely,

**Jonathan Hazell
Arboricultural Officer
Planning Service**

Working pattern: 008:00 – 16:00, Tuesday and Thursday

copy F 77



NORTHAMPTON
BOROUGH COUNCIL

Mrs V A Harrison
52 Southfield Road
Duston
Northampton
NN5 6HN

Our Ref: LP/PTP008522
Your Ref:
Contact: Lisa Pere
Direct Line: 01604 837339
Email: lpere@northampton.gov.uk
Date: 28 November, 2019

Dear Mrs Harrison

Re: TPO No. 240 – Land to the rear of 48-84 Southfield Road, Duston

I write in reply to your letter of the 23rd November, expressing your concerns regarding the above.

I would advise that the Borough Council have never had ownership of the land at the rear of your home; the land was developed by Wilcon Homes and they purchased the site from The Secretary of State. NBC only own the playing field between Kent Road and Berrywood Road, which we acquired only quite recently in December 2015.

I am sorry to hear that the trees cause you additional work in removing fallen leaves and dead branches from your garden. As point 10, on page 2 of the booklet on TPOs which was provided to you explains however, the making of a Tree Preservation Order, does not make the Local Authority responsible for the trees; that responsibility remains with the landowner.

I can only suggest that if at any point you have any concerns regarding the tree in your neighbours' garden at 33 Dave Bowen Close, that you speak to them and ask them to address any maintenance issues. I would add that the making of the TPO does not prevent them from carrying out any maintenance to their tree, it just ensures that any maintenance is done properly as the owner of the tree is obliged to seek permission from the Council and use a recognised contractor to carry out any tree work.

I will pass your letter to our Arboricultural Officer Mr Hazell in the event that he is able to provide you with any additional information with regard to the decision around the making of the Order.

Yours sincerely

Lisa Pere
Property Paralegal
Legal Services

Mrs V A Harrison
52 Southfield Road
Duston
Northampton NN5 6HN

23rd November 2019

Dear Sir,

In response to your letter dated the 25th October 2019; I feel the need to voice my concerns with regards to the Tree preservation order imposed upon the residents of Southfield Road.

Northampton Borough Council was happy for trees to be placed into the care of private individuals who brought their homes on the Berrywood housing site, instead of remaining the owners of these line of trees.

Unfortunately, these trees have not been maintenance since I moved into my home and believe older residents when they state they have never been touched. In my opinion they are becoming grossly overgrown with branches cracking and falling onto my property. I have had broken branches fall onto my well-maintained garden and sometimes it is a never-ending job of shovelling leaves by the ton and clearing up the falling debris. I love trees however surly we must have a happy medium to ensure safety.

I have heard from other neighbours that it was a resident from the opposite side of the road in Southfield Road voiced his concerns when someone was having one of these trees trimmed. In my opinion it was very much needed to ensure ongoing maintenance and to prevent damage to our bungalows.

I would like some reassurance with regards who will take responsibility when damages occur to my property. I think in the future you would be very quick with stating no responsibility and would put the blame on others who are now having their hands tied.

Your Sincerely

Mrs V Harrison

