

Appendices 1, 2, 3
and 4.
Photographs 1 & 2.



NORTHAMPTON
BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE REPORT

Report Title	Tree Preservation Order No. 236 Quinton Road, Wootton, Northampton, NN4 6LN
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	15 May 2018
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 seek to answer the objections raised to the Order.

2. Recommendations

- 2.1 That Tree Preservation Order No. 236 be confirmed without modification.

3. Issues and Choices

3.1 Report Background

- 3.1.1 Tree Preservation Order No. 236 comprises one Leyland cypress tree in the rear garden of 2 High Street Wootton and a line of five lime trees, one in the rear garden of 2 High Street and 2 each in the front gardens of two properties on Quinton Road, The Limes and Tree Tops: the Order shows the location of the tree (see Appendix 1).
- 3.1.2 On 6 February 2018 a notification was received, N/2018/01921, to fell one Leyland cypress tree in the rear garden of 2 High Street, Wootton, to ground level. The notification had to be determined by 20 March.
- 3.1.3 A site visit was made on 13 February and that afternoon the Tree Officer telephoned the agent to query the justification for the tree's removal. The tree owner then telephoned the Tree Officer to explain his reasoning.

- 3.1.4 Nothing further was heard from either the applicant or the agent and with the determination date looming the Order was served on 13 March 2018 on the owners of the three properties, 2 High Street, The Limes and Tree Tops.
- 3.1.5 A letter dated 31 March was received on 5 April (Appendix 2) from 2 High Street, objecting to inclusion of the Leyland cypress tree in the Order.
- 3.1.6 The letter rehearsed the points of the telephone conversation of 13 February, when the primary concern, of public safety if the tree were to fall, was raised.
- 3.1.7 The owner has been written to (Appendix 3) but the Order remains unconfirmed because the objection has not been withdrawn.

3.2 Issues

3.2.1 Government Advice

- 3.2.2 Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.
- 3.2.3 When deliberating over whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, how to account for amenity value, what 'expedient' means in practice, which trees can be protected and how they can be identified.
- 3.2.4 'Amenity' is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order.
- 3.2.5 When considering whether trees should be protected by an Order, authorities are advised to develop a structured and consistent way of assessing the tree's amenity value.
- 3.2.6 The tree has been assessed using the Tree Evaluation Method for Preservation Orders (TEMPO), (see Appendix 4). The TEMPO system is open, to a degree, to the interpretation and judgement of the assessor. However, it is recognised in the industry as a defensible method of assessment and is used by many Local Planning Authorities.
- 3.2.7 It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area.

3.2.8 The Tree

- 3.2.9 The tree is a large mature Leyland cypress tree, see photographs 1, 2 and 3. It is approximately 14m in height with a crown spread of approximately 7m.
- 3.2.10 The tree appears to be in good health and condition overall, albeit that one limb shows signs of damage caused by strong winds. It can reasonably be expected that the tree has a safe useful life expectancy of at least 20-40 years.
- 3.2.11 Under TEMPO the tree achieved a score of 19, and the guidance suggests that such a score definitely merits a TPO (Appendix 5).

3.2.12 Response to objections

- 3.2.13 The owner's concern was that the tree's position, at the top of a retaining wall, had prevented root development so leading to an uneasiness over public safety. In reply it was noted that the route of, and alignment of, of the road through the village has not changed during the tree's lifetime and the tree will have grown and adapted its growth to be wind firm.
- 3.2.14 The letter of objection presented no evidence to suggest that the tree might fail, and on the precautionary principle we have preserved the amenity that the tree provides. Moreover, there are very few reports of catastrophic failures of Leyland cypress.

- 3.2.15 The letter of objection also raised the limited visual impact if the tree were to be removed because of the presence of a second conifer in the rear garden.
- 3.2.16 The Order was made because it was felt that the tree had considerable public amenity and because it forms a significant feature in the village, and it was visible from further afield.

3.2.17 Conclusion

- 3.2.18 The objection has been considered but it has been concluded that the protection of the Leyland cypress is necessary to avoid the possibility of the tree's removal and the strongly adverse impact that would have upon local amenity.
- 3.2.19 Accordingly, it is recommended that the committee confirm Tree Preservation Order No. 236.

3.3 Choices (Options)

- 3.3.1 Option 1 - Confirm Tree Preservation Order 236 without modification.
- 3.3.2 Option 2 – Confirm Tree Preservation Order 236 with modification, the removal of the Leyland cypress tree from the schedule.

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 is 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 tree.

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 Other Implications

- 4.6.1 With regard to sustainability, the protection of the tree by Tree Preservation Order should prevent unnecessary pruning or premature removal and thereby ensure its environmental benefits continue for as long as possible.

5. Background Papers

- 5.1.1 Tree Preservation Order No. 236 Quinton Road, Wootton, Northampton (Appendix 1).
- 5.1.2 The letter of objection from 2 high Street Wootton (Appendix 2)
- 5.1.3 The response to that letter of objection(Appendix 3)
- 5.1.4 The completed Tree Evaluation Method for Preservation Orders (TEMPO) score sheet (Appendix 4).

Jonathan Hazell
Arboricultural Officer

Photographs



Photo 1: The tree (arrowed) viewed from Berry Lane, looking east



Photo 2: The tree (arrowed) viewed from High Street, looking south



Photo 3: The tree viewed from Quinton Road, looking west