

Appendices 1 – 6

Photographs 1 – 4



NORTHAMPTON
BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE REPORT

Report Title	Tree Preservation Order No. 238 5 – 7 The Lakes, Bedford Road, Northampton, NN4 7SH
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	17 July 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. Recommendation

- 2.1 That Tree Preservation Order No. 238 5 – 7 The Lakes, Bedford Road, Northampton, NN4 7SH be confirmed without modification.

3. Issues and Choices

3.1 Report Background

- 3.1.1 On 6 June 2017 consent was granted to add 119 car parking spaces by the erection of a split-level car park to the rear of the building, application N/2017/0189, but that option remains unfulfilled.
- 3.1.2 On 3 April 2018 an application was received, N/2018/0482, to re-model the surface-level car parking to the front and rear of the building to add 64 car parking spaces, to increase the current provision from 354 to 418.
- 3.1.3 To the front of the building the proposal was to add 27 places by removing the landscape beds that contain an avenue of 14 lime trees that lead from the public highway to the main entrance to the office building at 5 – 7 The Lakes, Bedford Road.

- 3.1.4 The Council's contention when proposing that the Order be made was that the lime tree avenue was an integral part of a deliberately designed landscape and that the trees had been planted as a feature, presumably with a design life of up to 150 years. The Council recognised that a lime tree can achieve an ultimate height of 22 m and so the avenue will, in the future, become the dominant feature of the local landscape.
- 3.1.5 Following a site visit, on 10 April, Tree Preservation Order No. 238 was served on 19 April 2018 and refers specifically to the avenue of 14 lime trees, see Appendix 1.
- 3.1.6 A letter dated 16 May was received from Barry Chinn Associates, Landscape Architects, on behalf of the building's leaseholder (Shoosmiths LLP), see Appendix 2, objecting to the imposition of the Order.
- 3.1.7 A letter dated 18 May from Trowers and Hamlins on behalf of the building's freeholder (Scottish Equitable plc) objected to the confirmation of the Order on the grounds stated by Barry Chinn Associates, see Appendix 3.
- 3.1.8 The Council has replied to both Barry Chinn Associates and Trowers and Hamlins, see Appendix 4, but the Order remains unconfirmed because the letter of 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. The Council uses a methodology known as the Tree Evaluation Method for Preservation Orders, see Appendix 5.

3.2.4 The Trees

- 3.2.5 The trees are immature lime trees planted as a formal avenue defining the approach to the offices through the car park to the front of the building.
- 3.2.6 The trees appeared to be in good health and condition overall and it can reasonably be expected that the trees have a safe useful life expectancy in excess of 100 years.
- 3.2.7 Under TEMPO the avenue achieved a score of 24, see Appendix 6.

3.2.8 Response to objections

- 3.2.9 The leaseholders and freeholders objections, as expressed by Barry Chinn Associates, were two-fold: that the trees have no public amenity as they are located in a private car park, and that since the Order was served the car park proposals have been withdrawn and revised and so the trees are no longer at risk and therefore the Order is not expedient.
- 3.2.10 The Council finds it difficult to accept the suggestion that the trees have no public amenity, after all the car park to the front of the building currently has 204 marked bays, 18 dedicated to visitors, and the Council does not believe that it is reasonable to assert that the staff are not members of the general public.
- 3.2.11 The Council also finds it difficult to accept that the Order is not expedient as we believe the protection is necessary to prevent avoidable harm befalling the designed landscape in general and the lime tree avenue in particular.

3.2.12 The Order was made because it was felt that the lime tree avenue had considerable public amenity, and that value would only increase over time as the trees matured, and because it will form a significant feature in the local landscape.

3.2.13 Conclusion

3.2.14 The letter of objection has been considered but it has been concluded that the protection of the lime tree avenue is necessary to avoid the possibility of the trees' removal and the strongly adverse impact that would have upon local amenity.

3.2.15 Accordingly, it is recommended that the committee confirm Tree Preservation Order No. 238.

3.3 Choices (Options)

3.3.1 Option 1 – Confirm Tree Preservation Order 238 without modification.

3.3.2 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 trees are 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 trees remain 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 trees 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 trees by Tree Preservation Order should prevent unnecessary pruning or premature removal and thereby ensure their environmental benefits continue for as long as possible.

5. Background Papers

- 5.1.1 Tree Preservation Order No. 238 5 – 7 The Lakes, Bedford Road, Northampton, Appendix 1
- 5.1.2 The letter of objection from Barry Chinn Associates, Appendix 2
- 5.1.3 The letter of objection from Trowers and Hamlins, Appendix 3
- 5.1.4 The response to Barry Chinn, and to Trowers and Hamlins, Appendix 4
- 5.1.5 TEMPO explained, Appendix 5
- 5.1.6 The completed TEMPO score sheet, Appendix 6.

Jonathan Hazell
Arboricultural Officer

Photographs



Photo 1: The lime tree avenue looking toward Bedford Road



Photo 2: The lime tree avenue looking toward the building



Photo 3: The lime tree avenue in leaf looking toward the building



Photo 4: mature lime trees in Far Cotton alongside Delapre Crescent Road