

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 Tuesday, 15
May 2018 at 5:00 pm.

George Candler
Chief Executive

AGENDA

1. APOLOGIES
2. MINUTES
(Copy herewith)
3. DECLARATIONS OF INTEREST
4. DEPUTATIONS / PUBLIC ADDRESSES
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
6. TREE PRESERVATION ORDER NO. 236 QUINTON ROAD, WOOTTON, NORTHAMPTON, NN4 6LN
(Copy herewith)
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."

NORTHAMPTON BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Tuesday, 20 March 2018

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

1. APOLOGIES

Apologies were received from Councillor Aziz

2. MINUTES

The minutes of the meeting held on the 9th January 2017 were agreed and signed by the Chair.

3. DECLARATIONS OF INTEREST

Councillor Sargeant declared a personal and pecuniary interest in Item 7 – Confirmation of a Tree Preservation Order, as it related to Persimmons, whom his partner is an employee.

It was agreed that the order of the agenda be changed to allow Councillor Sargeant, having declared a disclosable pecuniary interest, to leave the meeting.

4. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

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

There were none.

8. RETURNING OFFICER FEES AND EXPENSES

The Borough Secretary and Monitoring Officer submitted a report and elaborated thereon. It was explained that the report sought approval for the scales of election fees paid to the Returning Officer for any Borough or Parish Council elections during 2018/19. It was noted that the Returning Officer had an obligation to ensure that elections were funded and there was enough capacity for this to be fulfilled.

The Electoral Registration Manager explained that the Council received fees for national elections, but not for Borough and Parish elections or for local referenda. It was noted that as the fees had not recently been agreed by Council, the parliamentary fees had been referred to for guidance as well as neighbouring authorities; this would prevent casual staff from switching between authorities depending on the rates of pay.

RESOLVED:

That the scale of election fees appended to the report be adopted for 2018/19 in relation to any Borough/ Parish Council by-elections or Referendums which may be required.

6. CONFIRMATION OF A TREE PRESERVATION ORDER

The Interim Arboricultural Officer elaborated on a report that sought confirmation of a Tree Preservation Order (TPO) No. 232. It was explained that a site visit had been carried out in November 2017 and a Tree Preservation Order was made and served on the owner of the land and the owner of 27 Knights Court (Appendix 2). A letter objecting to the Tree Preservation Order was received in December 2017 whereby the objector had listed a range of concerns, including that the tree's canopy encroaches toward their property and that if the tree were to fail in whole or in part their property might be at risk, and that the path near the tree's base was being lifted by the expanding tree roots. It was explained that the tree had probably been in place for 100 years and had therefore been present when the houses had been built. It was noted that a TPO would not prevent management of the tree.

Members considered that the ash tree was an important feature within the local landscape and agreed that the tree contributed to the overall amenity of the area.

RESOLVED:

That Tree Preservation Order No. 232 be confirmed.

Having declared a disclosable pecuniary interest, the Chair left the meeting. The Deputy Chair took the Chair.

7. CONFIRMATION OF A TREE PRESERVATION ORDER

The Interim Arboricultural Officer elaborated on a report that sought confirmation of a tree preservation order. As part of a routine review of existing Tree Preservation Orders TPO 204 University of Northampton, Park Campus, Boughton Green Road was found to be unsound. It was explained that the site was due to become a development site and that Persimmons and the University had objected to the new Order on the grounds that the established landscape character of the site had been already been secured through the approved Design Code for the site and the existing Order 204.

Members discussed what deterrents were for not complying with a TPO and questioned enforcement arrangements were in place.

RESOLVED:

That Tree Preservation Order No. 235 be confirmed.

The meeting concluded at 6.26pm

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

**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. 232
Land to the front of
27 Knights Court, Little Billing,
Northampton 2017**

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. 232, Land to the front of 27 Knights Court, Little Billing, Northampton 2017.**

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 2011.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on 23rd November 2017.
(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.

Application to trees to be planted pursuant to a condition

4. In relation to any tree(s) identified in the first column of the Schedule by the letter “C”, being a tree/trees to be planted pursuant to a condition imposed under

paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree(s) is/are planted.



TPO232 - Land to the front of 27 Knights Court, Northampton NN3 9AT

29 November 2017
 1:1000 @ A4

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Dated this 23rd day of November 2017

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


Authorised Officer *James Chadwick*



6643

SCHEDULE

SPECIFICATION OF TREES

Trees specified individually (encircled in black on the map)

Reference on map	Description	Situation
T1	Large mature Ash	See plan

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

Reference on map	Description	Situation
A1	None	See Plan

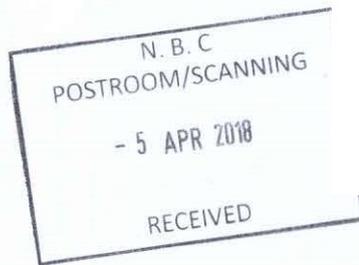
Groups of trees (within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
G1	None	See Plan

Woodlands (within a continuous black line on the map)

Reference on map	Description	Situation
W1	None	See Plan

Ref LP/PTPO07654



31st March 2018.

Dear Sir/Madam,

Tree Preservation Order 236

I write concerning the above TPO as referenced in your letter to me and dated 13th March 2018.

I should like to confirm in writing the telephone call I made to Mr Jonathan Hayel on the 13th February 2018 at 15.10 when I made Mr Hayel aware of my reasons for wanting the Mature Leyland Cypress Tree (T1 on the map) removed. I stated that the reason was purely safety because I didn't want the tree cut down but it was now becoming a safety issue because of its size. Because of the topography of the site, one side of the tree had no roots because it abutted a wall that bounded a 6 foot drop to the road and so, the tree was/is not well rooted. Also, if it should fall down, because of its size it would cause a major road problem and completely destroy the adjacent house. I also said that because of the other mature cypress tree next to T1, the visual effect of its removal would be reduced. (NB - this other tree has not been marked on the map).

As a responsible land owner I feel that I have taken what action is available to me to try to get the tree (T1) removed for safety reasons, and that my action has been thwarted by the imposition of the TPO.

Will you please acknowledge receipt of this letter.

Yours faithfully



Our Ref: JH/TPO236
Contact: Jonathan Hazell
Telephone No: 01604 838812
Email: JHazell@northampton.gov.uk
Date: 11 April 2018

Dear

TPO 236 QUINTON ROAD, WOOTTON

Thank you for your letter dated 31 March with your formal objection to the inclusion of the Leyland cypress tree in your rear garden within the recently served, but not yet confirmed, TPO 236 Quinton Road, Wootton.

I would have preferred that we had had the opportunity to discuss your concerns before application N/2018/0192 had to be determined, i.e. by 20 March, however we do of course respect your decision to object after the Order had been served.

We are sympathetic to your concern that the mass of the tree and its position on the boundary makes the tree a risk to neighbours, especially as you feel that there are no roots on one side of the tree. But, to counter your concerns, particularly about rooting, the route of and alignment 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.

You are concerned for the consequences if the tree should fall, but you have not produced any evidence or argument to suggest that the tree might fail, and on the precautionary principle we have elected to seek to preserve the amenity that the tree provides. In my experience there are very few catastrophic failures of Leyland cypress, albeit some limbs do break out of the crown, as you have recently experienced.

We have served the Order because we believe it to be "expedient in the interests of amenity to make provision for the preservation of trees or woodlands" in the area. We have also exercised our judgment when considering the meaning of amenity deciding that it is reasonable to make the Order and, using the current guidelines, have considered visibility, individual, collective and wider impact, and other factors.

Should the order be confirmed it will not prevent appropriate management of the tree, it will simply allow the Council as Local Planning Authority to be comfortable that the pruning proposed is reasonable and proportionate. If you, or others, would like to prune the tree then simply apply, see our webpages for details, <http://www.northampton.gov.uk/trees>.

We believe that we have followed the spirit of the guidance and served the Order to "protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public." We also believe that we are able to demonstrate that the serving of the Order will demonstrate that protection would bring a reasonable degree of public benefit in the present or future.

Would you now be prepared to withdraw your objection to the inclusion of the Leyland cypress tree in the Order? If your objection were to stand then a report will need to be prepared for consideration by elected members at the General Purposes Committee meeting on 15 May, the purpose of the report would be to seek their consent for the confirmation of the order which we believe to be "expedient in the interests of public amenity".

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,

A handwritten signature in black ink that reads "Jonathan Hazell". The signature is written in a cursive, flowing style with a large initial 'J'.

Jonathan Hazell
Project Officer: Arboriculture
Regeneration, Enterprise & Planning

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

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

Date: 22/11/17

App:

Mature ash tree to the front of 27 Knights Court, NN3 9AT

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	5
3	Fair	Fairly Suitable	
1	Poor	Unlikely to be suitable	
0	Dead/dying/dangerous*	Unsuitable	
* Relates to existing context and is intended to apply to severe irremediable defects only			

b) Retention span (in years) & suitability for TPO

5	100+	Highly suitable	2
4	40-100	Very suitable	
2	20-40	Suitable	
1	10-20	Just suitable	
0	<10*	Unsuitable	

*Includes trees which are an existing or near future nuisance, including those clearly outgrowing their context, or which are significantly negating the potential of other trees of better quality

c) Relative public visibility & suitability for TPO

Consider realistic potential for future visibility with changed land use

5	Very large trees with some visibility, or prominent large trees	Highly suitable	5
4	Large trees, or medium trees clearly visible to the public	Suitable	
3	Medium trees, or large trees with limited view only	Suitable	
2	Young, small, or medium/large trees visible only with difficulty	Barely suitable	
1	Trees not visible to the public, regardless of size	Probably unsuitable	

d) Other factors

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

12

5	Principal components of arboricultural features, or veteran trees	5
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)	

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Part 3: Decision guide

Any 0	Do not apply TPO	22
1 - 6	TPO indefensible	
7-11	Does not merit TPO	
12-15	TPO defensible	
16+	Definitely merits TPO	