

BCA-DP-1716-16B 05 2018 TPO  
Wednesday 16<sup>th</sup> May 2018



Mr Jonathan Hazell  
Arboricultural Officer  
Conservation  
Northampton Borough Council  
The Guildhall  
St Giles Square  
Northampton

Dear Sir

**RE: TOWN AND COUNTRY PLANNING ACT 1990 TREE PRESERVATION ORDER NO.238 5-7 THE LAKES, BEDFORD ROAD, NORTHAMPTON, NN4 7SH**

We act on behalf of our Client, Shoosmiths LLP who received formal notification of the above Tree Preservation Order (TPO) dated 19<sup>th</sup> April 2018 on 1<sup>st</sup> May 2018.

Our Client wishes to object to the imposition of TPO No.238, made in respect of trees on land within their leasehold and have appointed us to do so in a manner compliant with regulation 6 of The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

The Formal Notice received by our Client states that:

*"The Council has made the order because the trees included within this Order have been assessed as being eligible for protection on the grounds that they individually and collectively provide considerable public amenity being highly publicly visible within a formal landscape, a lime avenue leading to the property and are of excellent form and condition".*

Section 198(1) of the Town and Country Planning Act 1990 allows a local planning authority to make an Order in the following circumstances:

*"If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodland in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order".*

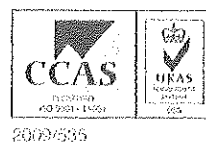
Our Client's objection is two-fold based on the expediency of the Order and the degree of amenity attributed to the fourteen Lime trees listed as T1 to T14 in the TPO Schedule.

**Amenity**

Trees T1 to T14 are arranged in two rows of seven either side of the vehicular entrance to the Shoosmiths Office from Bedford Road. These trees are one component of a wider scheme of extensive tree planting within a mature landscape scheme which appears to have been planted approximately 20 to 25 years ago.

While these trees appear to be in good condition and of a form consistent with their age and situation, the level of amenity they provide, and the extent to which this benefits the public, should be considered in terms of their immediate context and to what extent they are "highly publicly visible" as stated in the Order.

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These trees are contained within a car park in private ownership, accessed by employees and visitors only, not the public per se. Trees T3 to T7 and T10 to T14 form part of an internal arrangement of tree planting. The level of amenity provided by these trees is primarily confined to the car park with little wider public benefit in terms of amenity or contribution to street scene.

Trees T1, T2 and T8, T9 are arranged in pairs opposite each other at the entrance of Shoosmiths and are more prominent and visible from Bedford Road, where they and other boundary trees provide a high level of screening and amenity.

Other components of the landscape scheme include rows of Hornbeam between parking bays and a broad belt of Norway Maple to the site frontage with Bedford Road. The majority of publicly accessible locations with views into the site are passing views by pedestrians or road users along Bedford Road. From here views of trees T3 to T7 and T10 to T14 are restricted by other intervening trees within the landscape, primarily the boundary Norway Maples.

Trees T1 to T14 do have an intrinsic amenity value individually and collectively along with the other trees within the Shoosmiths frontage, we would suggest however that trees T3 to T7 and T10 to T14 are not "highly publicly visible" and that the level of "public amenity" is not "considerable" to the extent that they warrant the statutory protection of a TPO.

#### Expediency

TPO No.238 appears to be a reactionary Order, following a planning submission by our Client of proposals which included reconfigured frontage car parking, which would have required the removal of trees T3 to T7 and T10 to T14 to accommodate additional parking spaces. We assume therefore that it was considered expedient by the Council to make the Order to protect these trees specifically from the proposed development.

Our Client has now decided to submit an amendment to the current planning application which seeks permission for additional parking without the requirement to remove trees T1 to T14.

As trees T1 and T14 will now be retained, we consider that a TPO is no longer required on the grounds that they are not at risk of removal resulting in a loss of amenity. The imposition of a TPO would also be unnecessarily onerous in terms of long term tree management, where an application would be required for routine works such as crown raising and crown reduction.

We would be grateful if you could consider our Client's objections at your earliest convenience.

Yours faithfully

David Pugh  
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Senior Landscape Architect  
Barry Chinn Associates

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