

Appendices 1, 2, 3,
4 & 5.
Photographs 1 & 2.



NORTHAMPTON
BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE REPORT

Report Title	Tree Preservation Order No. 232 land to the front of 27 Knights Court, Little Billing, Northampton, NN3 9AT
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AGENDA STATUS: PUBLIC

Committee Meeting Date:
20 March 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. 232 be confirmed.

3. Issues and Choices

3.1 Report Background

3.1.1 Tree Preservation Order No. 232 comprises one ash tree that stands on the open space to the front of 27 Knights Court, Little Billing, Northampton, NN3 9AT: the TPO shows the location of the tree (see Appendix 1).

3.1.2 On 21 November 2017 a telephone call was received from a local tree care contractor concerned that he was being asked to remove the tree.

3.1.3 A site visit was made on 22 November and a Tree Preservation Order was made on 23 November 2017 and served on the owner of the land and the owner of 27 Knights Court (Appendix 2).

- 3.1.4 A letter objecting to the Tree Preservation Order was received on 12 December (Appendix 3). The objector 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 is being lifted by the expanding tree roots.
- 3.1.5 The objector is also dismissive of the authority's assertion that the tree has considerable public amenity.
- 3.1.6 The final point raised by the objector is that if the Order is confirmed it will no longer be possible to manage the tree, this is of course erroneous.
- 3.1.7 The Tree Preservation Order remains unconfirmed because of the objections made by the owner of 27 Knights Court.
- 3.1.8 The owner of 27 Knights Court has been written to (Appendix 4) but their objection has not been withdrawn.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 Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what 'amenity' means in practice, what to take into account when assessing amenity value, what 'expedient' means in practice, what 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 ways of assessing the amenity value of trees in a structured and consistent way.
- 3.2.6 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.

3.2.7 The Tree

- 3.2.8 The tree is a large mature ash tree, see photographs 1 and 2.
- 3.2.9 It is approximately 14m in height with a crown spread of approximately 17m and a trunk diameter of 835 mm.
- 3.2.10 The tree appears to be in good condition. The base has normal buttress root formation with no evidence of cavities or decay. The trunk is unremarkable with no apparent defects, decay or cavities. The branch structure appears normal with well-formed unions. There is some deadwood within the crown. The previous year's annual shoot extension and leaf size would indicate that the tree is displaying normal vigour.
- 3.2.11 There is evidence that the tree was subject to some remedial pruning several years ago to reduce the overall spread of the canopy.
- 3.2.12 The tree appears to be in good health and condition with a well-balanced canopy. It can reasonably be expected that the tree has a safe useful life expectancy of at least 20-40 years.
- 3.2.13 The tree has been assessed using TEMPO (Tree Evaluation Method for Preservation Orders). TEMPO is an evaluation assessment to determine a tree's suitability for protection by a Tree Preservation Order. 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.

- 3.2.14 The TEMPO system includes an amenity assessment by determining the tree's suitability for a TPO by considering condition, retention span, relative public visibility and other factors. It then considers the expediency and finally provides a decision guide based on the numerical score. The assessment of the ash tree arrived at a score of 22, TPO Definitely merits TPO (Appendix 5).

3.2.15 Response to objections

- 3.2.16 In reply to the concern in the letter of objection that the Order will prevent management it was stated that the Order will simply allow the planning authority to be comfortable that any pruning that may be proposed is reasonable and proportionate.
- 3.2.17 The letter of objection was also concerned that the tree's canopy appeared too close to their home, but our reply noted that this concern could be addressed by careful pruning to increase the clearance between the branch tips and the house. Furthermore, the author observed that if a branch were to snap it would go through the roof of the house, we felt that there was still a significant clearance between the tips of the branches and the dwelling as a result of the last pruning regime.
- 3.2.18 The letter of objection also raised issues to do with insurance, but they were not addressed in our response as they are outside our competence.
- 3.2.19 The Order was made because it was felt that the tree had considerable public amenity and because it forms a principle feature of the open space surrounded by the neighbouring properties, and it was visible from further afield. It is also thought that the tree was the reason that the green was retained when the area was developed.
- 3.2.20 A Tree Preservation Order is not be seen as a restriction to appropriate or suitable tree maintenance.

3.2.21 Conclusion

- 3.2.22 It is concluded that the ash tree is an important feature within the local landscape and contributes to the overall amenity of the area.
- 3.2.23 The objections have been considered but it is concluded that the protection of the tree is necessary to avoid the possible extensive work that could be undertaken without statutory protection. Accordingly, it is recommended that the committee confirm Tree Preservation Order No. 232.

3.3 Choices (Options)

- 3.3.1 Option 1 - Confirm the Tree Preservation Order.
- 3.3.2 Option 2 - Allow 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 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. 232 land to the front of 27 Knights Court, Little Billing, Northampton, NN3 9AT.

5.2 Tree Evaluation Method for Preservation Orders (TEMPO) Survey data sheet and decision guide.

Jonathan Hazell, Arboricultural Officer Ext 8812

Photographs



27 Knights Court



27 Knights Court