

**NORWICH**  
City Council

Tree Preservation Order Number : TPO 430

Location : Land to the south of the highway on Ketts Hill

**DIRECTORATE OF REGENERATION  
AND DEVELOPMENT**

City Hall, Norwich, NR2 1NH  
Telephone 0844 980 3333

Date : 19/11/08

Scale : 1:500

Drawn by : SB

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NORWICH  
City Council

**IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (TREES) REGULATIONS 1999**

**TREE PRESERVATION ORDER 2008**

**THE CITY COUNCIL OF NORWICH NUMBER 430**

**ADDRESS: Grass verge to the South of the Highway opposite Kett's Tavern P.H. & Kett's Hill Bakery, Norwich.**

**THIS IS A FORMAL NOTICE** to let you know that on **1<sup>st</sup> December 2008**, the Council made the above Tree Preservation Order.

A copy of the Order is enclosed. In simple terms, it prohibits anyone from cutting down, topping or lopping any of the trees described in the First Schedule and shown on the map without the Council's consent.

Some explanatory guidance on tree preservation orders is given in the enclosed leaflet, **Protected Trees: A Guide to Tree Preservation Orders**, produced by the Department of Communities and Local Government.

The Council has made the Order *to ensure the continued protection of the trees which are likely to come under development threat when the land to the south of the group is redeveloped.*

[The Order took effect, on a provisional basis, on **1<sup>st</sup> December 2008**. It will continue in force on this basis for a further 6 months or until the Order is confirmed by the Council, whichever occurs first.]

The Council will consider whether the Order should be confirmed, that is to say, whether it should take effect formally. Before this decision is made, the people affected by the Order have a right to make objections or other representations about any of the trees, groups of trees or woodlands covered by the Order.

If you would like to make any objections or other comments, please make sure we receive them in writing by **31<sup>st</sup> December 2008**. Your comments must comply with Regulation 4 of the Town and Country Planning (Trees) Regulations 1999, a copy of which is provided overleaf. Send your comments to the **The Tree Protection Officer, Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH**. All valid objections or representations are carefully considered before a decision on whether to confirm the Order is made.

The Council will write to you again when that decision has been made. In the meantime, if you would like any further information or have any questions about this letter, please contact **Michael Volp, Tree Protection Officer, Norwich City Council, St Peter's Street, Norwich, NR2 1NH (Tel: 01603 212546)**.

DATED this 1<sup>st</sup> day of December 2008.

Signed

Tree Protection Officer  
On behalf of Norwich City Council, City Hall, Norwich, NR2 1NH

**COPY OF REGULATION 4 OF THE TOWN AND COUNTRY PLANNING (TREES)  
REGULATIONS 1999**

Objections and representations

4(1) Subject to paragraph (2), objections and representations :

(a) shall be made in writing and :

- (i) delivered to the authority not later than the date specified by them under regulation 3(2)(c); or
  - (ii) sent to the authority in a properly addressed and pre-paid letter posted at such time that, in the ordinary course of post, it would be delivered to them not later than that date;
- (b) shall specify the particular trees, groups of trees or woodlands (as the case may be) in respect of which the objections or representations are made; and
- (c) in the case of an objection, shall state the reasons for the objection.

4(2) The authority may treat as duly made objections and representations which do not comply with the requirements of paragraph (1) if, in the particular case, they are satisfied that compliance with those requirements could not reasonably have been expected.



**Overburys**  
& RAYMOND THOMPSON

Mr Michael Volp  
Norwich City Council  
DX 5278  
NORWICH

**Overbury Steward Eaton & Woolsey • Solicitors**

3 Upper King Street Norwich NR3 1RL

t: 01603 610 481 f: 01603 632 460

e: [info@overburys.co.uk](mailto:info@overburys.co.uk)

w: [www.overburys.co.uk](http://www.overburys.co.uk) DX 5208 Norwich

Please ask for: Philip Mason

Email: [pmason@overburys.co.uk](mailto:pmason@overburys.co.uk)

Your Ref:

Our Ref: L0997005/088

Date: 30 December 2008

Direct dial: 01603 8862580

*These offices will close at 5.00pm on Tuesday 23rd December 2008, re-opening at 9.00am on Monday 29th December 2008, closing once more at 5.00pm on Wednesday 31st December 2008 and re-opening again at 9.00am on Monday 5th January 2009.*

Dear Mr Volp

### **Tree Preservation Order 430**

We have been instructed by our Client, Mr Terry Le May to make representations in connection with the above provisional Tree Preservation Order. In the first instance we would draw your attention to a planning application reference 06/00166/F which was favourably determined by Norwich City Council for the redevelopment of this site for residential purposes in 2006. The site itself included the area of trees currently the subject of the provisional Tree Preservation Order 430. As you are aware the site is now in the ownership of our Client and we seek confirmation in writing that if a planning application were to be submitted for residential development on this site which is in accordance with the Local Plan Policy HOU12 A9 that the trees the subject of the provisional Order could be removed and development take place up to the boundary of the site as was permitted in the 2006 permission.

Our Clients are well aware that any redevelopment of this site or the adjacent sites will include a condition to plant new trees in accordance with a scheme to be approved by the City Council as Local Planning Authority. There is therefore statutory protection for your requirements that any redevelopment should make provision for trees and proper landscaping of the site.

Our Client is prepared to give an undertaking not to cut down the trees the subject of the provisional Order until planning permission has been granted for the residential development permitted in accordance with the policy referred to above. It is to be noted that the permission in 2006 was granted when there was no Tree Preservation Order placed on the trees in question.

In conclusion therefore we would respectfully request that the Order be not confirmed on the undertaking of our Client not to cut down the trees in question until such planning permission has been granted for the redevelopment of the site. Furthermore we should be grateful to receive a

**Also at:** 2 Victoria Road Diss Norfolk IP22 4EY t: 01379 641 221 f: 01379 641 227 DX 42521 Diss

Partners: Benedict Keane B.A Geoffrey Woolsey-Brown M.A Alisdair Liddle B.A LL.B Richard Bevan LL.B \*\* Nicholas Flower Jane Liddle M.A LL.B Amanda Maruca LL.B + \*\*\* Hayley George B.A

Consultants: John Rushmer Penelope Nicoll LL.B + Raymond Thompson

\*\* Member of the Children Panel \*\*\* Member of the Family Law Panel + Family Mediator



written undertaking from you that should an application for redevelopment for housing purposes be submitted, which would include the site of the trees, no objection would be made on that point since there would be other provision for trees to be planted in the scheme permitted.

Yours sincerely

A handwritten signature in black ink that reads "Philip Mason". The signature is written in a cursive style with a long, sweeping tail on the letter "n".

**PHILIP MASON**



7 January 2009

Your reference L0997005/088

Our reference TPO#430

Mr P Mason  
OVERBURYS  
3 Upper King Street  
Norwich  
NR3 1RL

Dear Mr Mason

**Norwich City Council Tree Preservation Order (TPO) – Number 430.  
Land to the south of Kett's Hill, Norwich.**

I acknowledge receipt of your letter making representations regarding the above order.

The Council's Planning Applications Committee will consider any objections to a tree preservation order and decide whether to confirm the order. Your comments have been recorded and will be incorporated into the report presented to the Committee. I will notify you of the date of the meeting nearer the time and the outcome of the Committee's decision.

Further to this may I clarify a couple of issues raised in your letter:-

- The 2006 planning permission issued in regard to planning application 06/00166/f relates to the site indicated within the red boundary on the attached plan [A].
- The group of trees that is subject to TPO#430 is indicated by the light green highlighted area on attached plan [A] and is outside the area of land to which the planning permission applies.
- Attached plan [B] shows the site of the planning permission within the red boundary and an indicative layout for the adjacent site to the north; there is no planning permission for the indicative layout.
- A TPO applying to trees within the Housing Allocation site will ensure that they become a material consideration in any future planning application that may be made relating to the site.

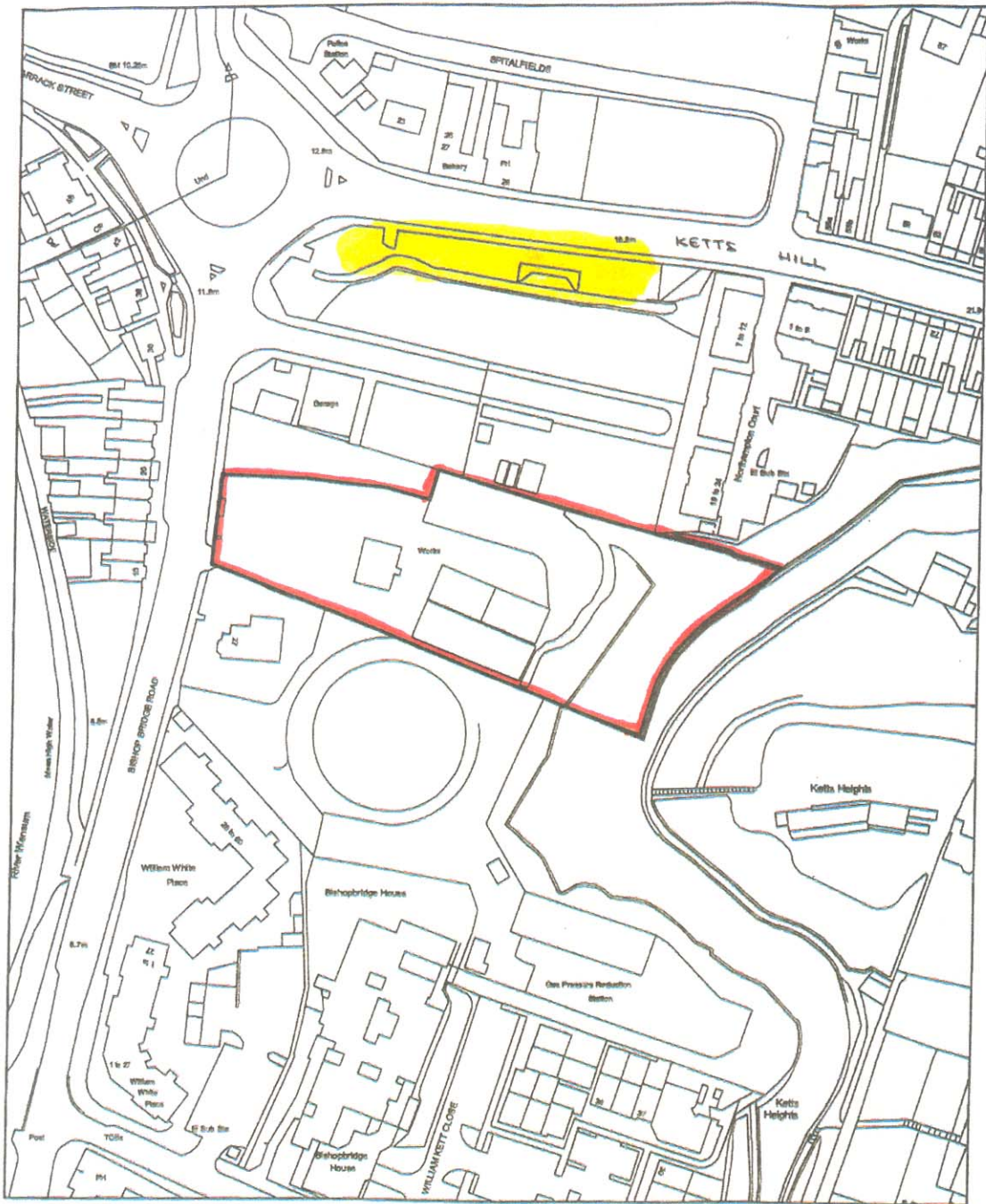
I have enclosed a copy each [for you and your client] of the Council's supplementary planning document: Trees & Development for your reference.

Please contact me if I can be of any further assistance.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M Volp', written in a cursive style.

Michael Volp  
Tree Protection officer  
Room 336, City Hall,  
Norwich, NR2 1NH  
Tel.No: 01603 212546  
Fax.No: 01603 212159  
email: [mikevolp@norwich.gov.uk](mailto:mikevolp@norwich.gov.uk)



Scale - 1:1250



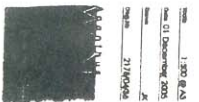
3



Indicative Plan for the  
 Re-development of  
 adjacent site.

Scale: 1:500  
 Date: 01 December 2005  
 Drawing No: 27/10/05

PROPOSED RESIDENTIAL DEVELOPMENT  
 BOX AND BARREL, NORWICH

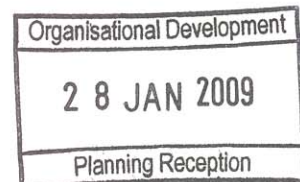


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 No General Admission  
 of this drawing to any other  
 person without the written  
 consent of the author  
 or his agents. All  
 dimensions are in  
 meters unless  
 otherwise stated.  
 The site of the  
 proposed development  
 is shown in red  
 on the plan.

Mr. M. Volp,  
Tree Protection Officer  
Norwich City Council  
DX 5278  
**NORWICH**

**Overbury Steward Eaton & Woolsey • Solicitors**  
3 Upper King Street Norwich NR3 1RL  
t: 01603 610 481 f: 01603 632 460  
e: info@overburys.co.uk  
w: www.overburys.co.uk DX 5208 Norwich

Please ask for: Philip Mason  
Email: pmason@overburys.co.uk  
Your Ref: TPO/430  
Our Ref: L0997005/088  
Date: 28 January 2009  
Direct dial: 01603 886250



Dear Mr. Volp,

**Norwich City Council**  
**Tree Preservation Order No. 430**  
**Land to the south of Ketts Hill Norwich**

Thank you for your letter of the 7<sup>th</sup> January 2009, the contents of which I have discussed with our client.

Thank you for clarifying the position regarding planning application 06/00166/F in connection with the proposed re-development of this area of Ketts Hill/Bishop Bridge Road. I would refer to my letter of the 30<sup>th</sup> December 2008 and repeat the point that our clients now own the site and seek confirmation, in writing, that if a planning application were to be submitted for residential development on the site which includes the area of the proposed Tree Preservation Order that Planning Permission would be granted for development to take place right up to the boundary of the site including the area covered by the proposed TPO.

You will appreciate that our clients purchased the site in good faith from the City Council and that plan B which accompanied your letter of the 7<sup>th</sup> January 2009 shows a development boundary site which includes the area covered by the trees.

Our clients are well aware that any re-development of this site or the adjacent sites were included with the condition to plant new trees in accordance with a Scheme to be approved by the City Council as Local Planning Authority. There is therefore adequate statutory protection for your requirements that any redevelopment should make provision for trees and proper landscaping of the site. This is not only a statutory requirement, but also criteria on three of the supplementary planning documents dated September 2007 which makes specific a requirement for a substantially improved overall approach to the design of development which would outweigh the loss of or to any

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\*\* Member of the Children Panel \*\*\* Member of the Family Law Panel + Family Mediator

tree. This coupled with the policy in NE2 gives the Local Planning Authority the required statutory and non statutory protection which you seek in connection with this draft TPO.

Furthermore our clients are prepared, in accordance with paragraph 3 of my letter of the 30<sup>th</sup> December 2008, to give an undertaking not to cut down any of the trees until relevant Planning Permission has been granted for residential development.

You will appreciate that our clients have made a substantial outlay in terms of financial commitment to the purchasing of this site, and its inclusion in the comprehensive re-development of this part of Ketts Hill/Bishop Bridge Road. It would therefore be inequitable for the City Council to prevent an area amounting to perhaps almost one third of the site adjacent to Ketts Hill from being developed merely to protect the trees which are currently on the southern boundary of the site. This is because our clients would be required to prepare and submit a far more comprehensive arboricultural statement along with the planning application for re-development. It is interesting to note that at the time of the 2006 Planning Permission for the adjacent site no consideration was given as to whether or not a TPO should be included on the trees, subject to the existing draft Order. Our clients would be interested to know why this was not an issue at that time.

If the Local Planning Authority were to give an assurance that the area subject to re-development would include the site of the proposed TPO, then our clients would be prepared not only to give an undertaking not to cut down the relevant trees in question, but also to withdraw their current objection to the proposed TPO.

If there is any further information you require on this matter please do not hesitate to contact me.

Yours sincerely,

**PHILIP MASON**

A handwritten signature in black ink, appearing to read 'Philip Mason', written over the printed name.



10 February 2009

Your reference L0997005/088

Our reference TPO#430

Mr P Mason  
OVERBURYS  
3 Upper King Street  
Norwich  
NR3 1RL

Dear Mr Mason

**Norwich City Council**  
**Tree Preservation Order No. 430**  
**Land to the south of Ketts Hill, Norwich.**

Thank you for your letter received 28 January 2009.

I do understand that your client now owns the site to which the TPO applies, however I am not in a position to confirm that any proposal that includes development within the area covered by the TPO would be acceptable; any application would need to be assessed on its own merits, and clearly no definitive judgement can be made on this until we have an application.

Please also note that the layout plan submitted with application 06/00166/F, and referred to in the third paragraph of your letter is not necessarily endorsed by Norwich City Council. The extent of assessment of this layout plan under 06/00166/F was in considering whether the proposed development of the Bishop Bridge Road site to the south would in any way prejudice the development of the Egyptian Road site to the north, clearly in approving 06/00166/F the result of this assessment was that it would not. However, this does not mean that the overall layout was acceptable and we could not have refused application 06/00166/F based on the indicative layout plan for the Egyptian Road site even if we had have considered at that time that it was unacceptable in terms of its potential impact on trees or indeed design; the impact on trees or design etc on the adjacent site were not material to the consideration of that application.

It appears that your client has assumed, albeit wrongly, that this layout plan would be supported by the council. Clearly, other than the site's allocation in the Local Plan, no assurances have been given as to the extent of acceptable development on the site. Any application submitted for the site would need to be assessed on its own merits in the light of policy, any existing constraints on the site and other material considerations.

With regard to no consideration being given to the serving of a TPO at the time of the 2006 application, this was not raised because the trees were neither an issue nor a material consideration in determining that application nor did it signify the owner's intent to remove the trees along Ketts Hill because the applicants for 06/00166/F, who submitted the indicative layout, did not own the Egyptian Road site; the trees were under Council ownership and therefore not, to my knowledge, under any threat of removal; a TPO would therefore not have been expedient.

In summary, no further assurance can be given as to the development potential of the site than is already given by saved policy HOU12 A9. Pre-application advice may be given if requested of the Development Management team but this would involve the submission to the Council of appropriate details such as an Arboricultural Impact Assessment carried out by an arboriculturist.

I hope that this clarifies the matter further and to your client's understanding.

Yours sincerely,

Michael Volp  
Tree Protection Officer  
Planning Services, City Hall,  
Norwich, NR2 1NH  
Tel.No: 01603 212546  
Fax.No: 01603 213015  
email: [mikevolp@norwich.gov.uk](mailto:mikevolp@norwich.gov.uk)