

**Report to** Planning applications committee

**Item**

09 February 2017

**Report of** Head of planning services

**Subject** Tree Preservation Order [TPO], 2016. City of Norwich  
Number 514; 1 The Mustard Mill, Bracondale Millgate,  
Norwich, NR1 2FB

**Reason  
for  
referral:** Representations for and objections to confirmation of tree  
preservation order 514

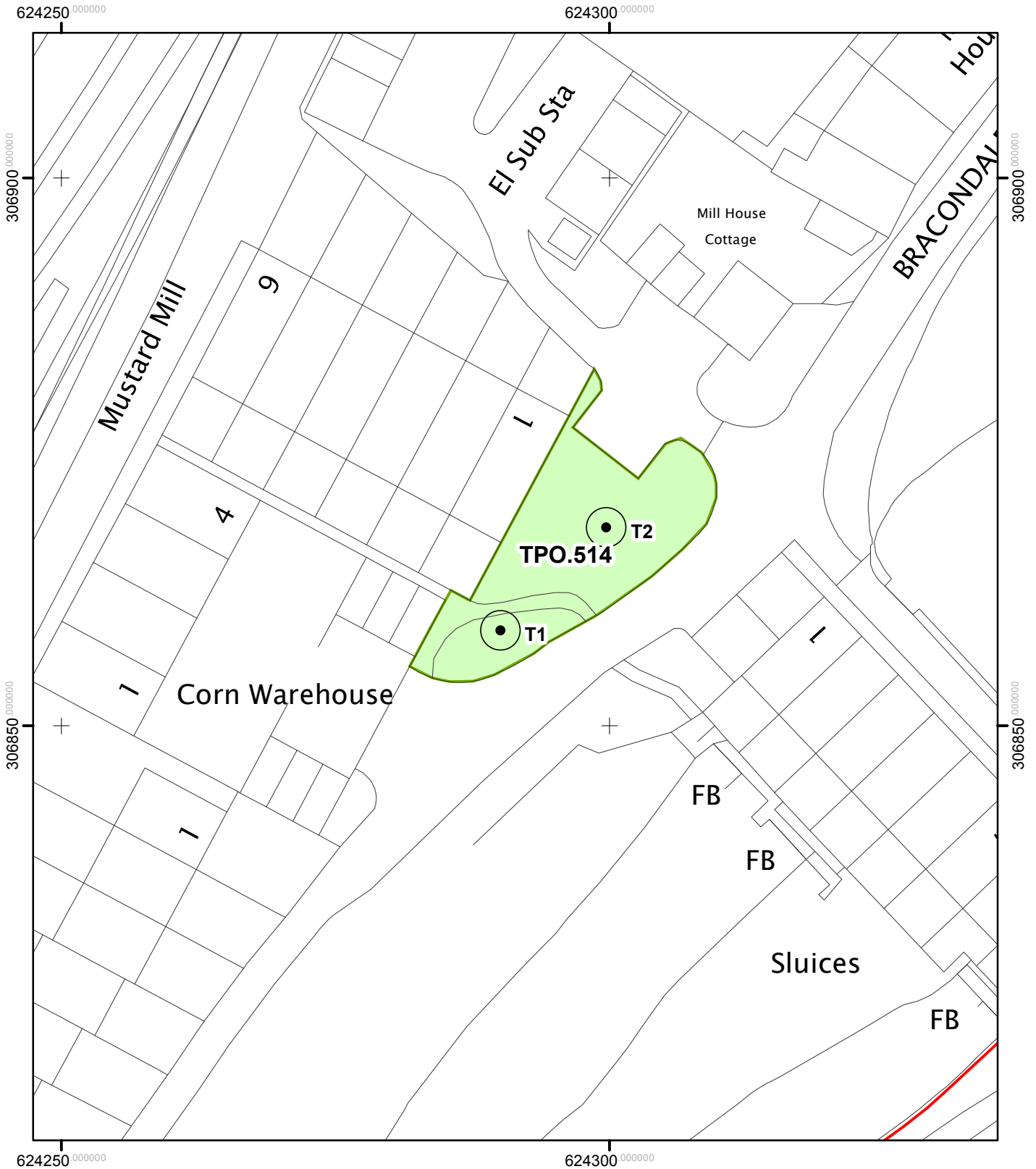
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<b>Ward:</b>	Thorpe Hamlet
<b>Case officer</b>	Mark Dunthorne, arboricultural officer <a href="mailto:MarkDunthorne@norwich.gov.uk">MarkDunthorne@norwich.gov.uk</a>

<b>Proposal</b>		
To confirm Tree Preservation Order 2016, City of Norwich Number 514, 1 The Mustard Mill, Bracondale Millgate, Norwich, NR1 2FB without modifications		
<b>Representations</b>		
Object	Comment	Support
1	0	1

<b>Main issues:</b>	<b>Key considerations:</b>
1 Amenity	Impact on local residents. Level of amenity for future occupiers of/visitors to, Bracondale Millgate.
2 Climate change	Trees increase resilience to climate change
3 Air quality	Trees improve air quality
3 Biodiversity & wildlife	Trees aid biodiversity and wildlife
TPO Expiry date	7 May 2017
<b>Recommendation</b>	Confirm TPO 514 without modifications



**PLANNING SERVICES**

Norwich City Council, City Hall,  
Norwich, NR2 1NH  
Telephone 0344 980 3333

Date : 31/10/2016

Scale : 1:500

Drawn by : SRB



## Introduction

1. The semi-mature silver birch tree is situated on a grass area adjacent to 1 The Mustard Mill. It forms part of a pair of silver birch trees on this land, both trees being the subject of this preservation order.
2. The location of the trees is shown on the attached plan
3. Tree Preservation Order No 514 was served on the 7 November 2016 following an application to fell (and replant with a smaller species) the southern-most birch tree of the pair (T1).

## The site, surroundings and content

4. The residents of 1 The Mustard Mill applied, via an agent, to the Council in September 2016, requesting the tree be felled to improve the view from their property. Replacing the tree with a smaller specimen also formed part of the application.
5. The Council's Arboricultural officer visited the site and assessed the tree using the nationally recognised Tree Evaluation Method for Preservation Orders (TEMPO). The assessment has the following classifications:

<b>TEMPO score:</b>	<b>TEMPO Decision guide</b>
0 - 11	Does not merit a TPO
12 -15	TPO defensible
16 - 25	Definitely merits TPO

The assessment resulted in a score of 17 for the birch tree, definitely meriting a Tree Preservation Order. City of Norwich, no. 514 Tree Preservation Order, 2016: 1 The Mustard Mill, Bracondale Millgate, Norwich, NR1 2FB, was served on 7<sup>th</sup> November 2016.

6. The Order applies to the two birch trees in this area, as they essentially create a formal pair. The Order is provisionally in effect for 6 months from the date on which it was served.
7. The application to fell the tree was refused on the 20 October 2016. The reasons for refusal were:  
  
"Tree is a good, healthy, semi-mature specimen with a considerable life expectancy. It has significant amenity value, is 'in-keeping', and contributes to, the pleasant nature of the immediate area."
8. Tree Preservation Order No 514 is provisionally in effect from 7 November 2016, until the 7 May 2017, 6 months from the date on which it was served. During this period the council gives consideration as to 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 trees covered by the Order. The council received one objection and one letter of support for the order.

9. The council's standing orders require that when an objection to an Order is received a report must be presented to planning committee before the Order is confirmed.
10. Notice of the new Order (along with a letter of explanation) was served on the owner of the property, on the neighbouring properties and on interested parties.

## Representations

11. The objection to the Order was received by the occupier of 1 The Mustard Mill.

Full details of the objection are available on request. The issues set out in the objection and the responses from the arboricultural officer are summarised below:

	<b>Representation</b>	<b>Response</b>
11.1	Loss of view from 1 The Mustard Mill.	The view of the surrounding area from 1 The Mustard Mill may be slightly impeded by the presence of the tree, however, it is certainly not dominated by it. The silver birch is considered attractive in of itself, with a relatively 'open' canopy, allowing plenty of light to penetrate. The tree is situated in an ideal position, for the benefit of all the residents and visitors of Bracondale Millgate. The benefits of retaining the tree far outweigh the reasons for its removal.
11.2	Threat to the property (1 The Mustard Mill).	The tree poses no threat to nearby built structures, and this is not considered an acceptable reason to remove the tree.
11.3	Impact of the tree on the value of the property (1 The Mustard Mill).	Rather than impacting in a negative manner on the value of the property, several studies have shown that the presence of trees increases property values.

The letter of support was received from the occupier of 1 The Watermill. It highlights the fact that the tree enhances the appearance of the area, as well as providing some privacy from overlooking properties.

## **Main issues**

### **Issue 1**

12. The loss of a well-established, healthy tree, which is in good condition and visible to residents and visitors will impact negatively on the amenity of the area. The current (and future) size of the tree is compatible with its surroundings. Replacing with a smaller specimen is considered unnecessary and would diminish the amenity value of the area.

### **Issue 2**

13. The loss of this tree would also contribute to the impacts of climate change. Through photosynthesis trees naturally absorb CO<sub>2</sub> a key greenhouse gas and act as a carbon sink by sequestering it. Also, by a combination of reflecting sunlight, providing shade and evaporating water through transpiration trees moderate the local microclimate and temperature. A smaller specimen would lessen these effects.

### **Issue 3**

14. The tree has a positive effect on air quality by cutting levels of airborne particulates and removing air pollutants. A smaller specimen would lessen these effects.

## **Conclusion**

15. The objection to the Order has been taken note of, and whilst officers appreciate the concerns raised, it is their opinion that the tree is compatible with its surroundings and makes a positive contribution to the amenity of the area. It has sufficient value to validate its continued protection by confirming the Tree Preservation Order.

## **Recommendation**

16. To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 514; 1 The Mustard Mill, Bracondale Millgate, Norwich, NR1 2FB, without modifications.

THE CITY COUNCIL OF NORWICH

FORM OF TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 514, 2016

The City Council of Norwich, in exercise of the powers conferred on them by Section 198 of the Town and Country Planning Act 1990 hereby make the following Order –

**Citation**

1. This Order may be cited as Tree Preservation Order, 2016  
City of Norwich Number 514, 1 The Mustard Mill, Bracondale Millgate,  
Norwich NR1 2FB

**Interpretation**

2. 1. In this Order “the authority” means the City Council of Norwich
2. In this Order any reference 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 Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

3. 1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
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, uprooting, 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 identified in the first column of the Schedule by the letter “C”, being a tree 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 is planted.

DATED this 7<sup>th</sup> day of November  
two thousand and sixteen.

THE CORPORATE SEAL of THE )  
CITY COUNCIL of NORWICH )  
Was hereunto affixed in the )  
Presence of )



A. N. Bull

Authorised by the Council

SCHEDULE

Article 3

SPECIFICATION OF TREES

Trees specified individually  
(encircled in black on the map)

Reference on Maps	Description	Situation
T1.	Birch	Land to the South East of 1 The Mustard Mill, Bracondale Millgate , Norwich NR1 2FB Grid Ref 624289, 306858
T2	Birch	Land to the South East of 1 The Mustard Mill, Bracondale Millgate , Norwich NR1 2FB Grid Ref 624299, 306868

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

Reference on Map	Description	Situation
None.		

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

Reference on Map	Description	Situation
None.		

Woodlands  
(within a continuous black line on the map)

Reference on Map	Description	Situation
None		



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

**TOWN AND COUNTRY PLANNING ACT 1990 (as amended).**

**TOWN & COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012**

**TREE PRESERVATION ORDER 2016**

**THE CITY COUNCIL OF NORWICH NUMBER 514**

**ADDRESS: 1 The Mustard Mill, Bracondale Millgate,  
Norwich NR1 2FB**

**THIS IS A FORMAL NOTICE** to let you know that on **07 November 2016**, 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 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 & Local Government.

The Council has made the Order *to protect the amenity of the area*

[The Order took effect, on a provisional basis, on **07 November 2016**. It will continue in force on this basis for a further 6 months until the Order is confirmed by the Council, or if the Council decide not to confirm the order, the date on which the Council decide not to confirm the order, 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, we must receive them in writing by **05 December 2016**. Your comments must comply with Regulation 6 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012, a copy of which is provided overleaf. Send your comments to the **Tree Protection Officer, Norwich City Council, City Hall, St Peter's Street, Norwich NR2 1NH** or you can email: [planning@norwich.gov.uk](mailto:planning@norwich.gov.uk) 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: **The Tree Protection Officer, Norwich City Council, St Peter's Street, Norwich, NR2 1NH (Tel: 01603 212546) email: [planning@norwich.gov.uk](mailto:planning@norwich.gov.uk)**

DATED this **07 November 2016**.

Signed



Mark Dunthorne  
Arboricultural Officer  
City Hall, Norwich NR2 1NH  
Tel: 01603 212426  
Email: [Markdunthorne@norwich.gov.uk](mailto:Markdunthorne@norwich.gov.uk)

**COPY OF REGULATION 6 OF The Town and Country Planning (Tree Preservation)(England) Regulations 2012**

**Objections and representations**

**6.**—(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 5(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 such objections and representations are made; and

(c) in the case of an objection, shall state the reasons for the objection.

(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.

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 20/10/16 Surveyor: MD

Tree details  
 TPO Ref (if applicable): BRACONIALE Tree/Group No: 1 Species: S. BIRCH  
 Owner (if known): M. LUGATE Location:

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

### 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
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous\* Unsuitable

Score & Notes 5

\* 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
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10\* Unsuitable

Score & Notes 2

\*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
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes 4

d) Other factors

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

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

Score & Notes 1

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

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

Score & Notes 5

### Part 3: Decision guide

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

Add Scores for Total: 17

Decision: TPO