

Report to Planning applications committee
8 January 2015
Report of Head of planning service
Subject Tree preservation order no 468: confirmation.

Item

5

Purpose

For planning applications committee to consider whether or not to confirm Tree Preservation Order[TPO], 2014. City of Norwich Number 468; Orchard Place Estate, [off Fifers Lane]- Dowding Road, Taylors Lane, Mallory Road, Dakota Drive, Douglas Close and Old Blenheim Way, Norwich.

Recommendation

To confirm confirm Tree Preservation Order[TPO], 2014. City of Norwich Number 468; Orchard Place Estate, [off Fifers Lane]- Dowding Road, Taylors Lane, Mallory Road, Dakota Drive, Douglas Close and Old Blenheim Way, Norwich, with modifications.

Corporate and service priorities

The report helps to meet the corporate priority 'City of character and culture' and the service plan priority to manage the development of the city through effective planning and conservation management.

Financial implications

None

Ward: Catton Grove

Cabinet member: Councillor Stonard – Environment and development

Contact officers

Mike Volp, tree protection officer

01603 212546

Background documents

Copy of provisional TPO no. 468 document.
Copy of provisional TPO no. 468 accompanying letter.
Copy of modified TPO no. 468 document.
Copy of modified TPO no. 468 Plan.
2 no. letters of objection

Report

Introduction

1. Tree Preservation Order No 468 was served in order to preserve the majority of the trees on site in response to a concerned local resident reporting the lopping and topping and felling, of some of them.
2. Objections to this Order have been made by:
 - Mr Yaxley, 18 Taylors Lane, Old Catton, Norwich, NR6 6DZ.
 - Mr and Mrs Irving, 2 Mallory Road, Norwich, NR6 6DJ

Full details of these letters are available on request.

3. A copy of the notice, tree preservation order to be confirmed and modified plan are appended to this report.

Summary of objections

4. The issues are summarised below together with the officer response.

Issues raised	Response
T6. The owner has no intention to remove this tree. It is being well maintained and monitored on an annual basis.	This objection is acknowledged and T6. Will be omitted from the modified order.
G14. The trees are too closely planted, very tall, have some dead branches. They are close to buildings, overhang public roads.	The Order does not stop the carrying out of good management of the trees it just means that permission from the Council is required in order to ensure a good standard of work is carried out. Dead wood removal does not require permission.
G14. The trees may blight potential development opportunities on adjacent land	This would be a consideration of the development management team on receipt of a Planning Application.
G14. The Order is unfair because adjacent land with trees has not been TPOd	If trees on the adjacent land became under threat then the serving of a TPO will be considered.

Issues raised	Response
G14. Ash trees in particular can need quick action to stop them being dangerous.	Any tree that presents a danger can have work carried out to remove the dangerous element. Five days' notice is required unless the danger is imminent. Work to remove an imminent danger can be carried out and the Council informed with photographic evidence of the dangerous element once the tree[or part thereof] has been made safe.
G14. Possible conflict with local drains.	If there is tree related damage caused to drains and work applied for as a result it will need to be evidenced as part of the tree work application.

Conclusion

5. Objections to the order have been taken note of and where appropriate the order has been modified.

IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER 2014

THE CITY COUNCIL OF NORWICH NUMBER 468

LOCATION: Orchard Place estate[off Fifers Lane]:

Dowding Road, Taylors Lane, Mallory Road, Dakota Drive, Douglas Close & Old Blenheim Way, Norwich.

THIS IS A FORMAL NOTICE to let you know that on **23rd of July 2014**, 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 following concerns expressed by local residents that the trees may be under threat of removal, lopping or topping and in order to thus preserve the trees and secure their long term retention in the interests of the local amenity.

[The Order took effect, on a provisional basis, on **23rd of July 2014**. 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 **19th August 2014**. 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**. 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 **23rd of July 2014**.


Signed

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

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.

THE CITY COUNCIL OF NORWICH

FORM OF TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990

THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 468, 2014

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, 2014
City of Norwich Number 468 , Orchard Place estate[off Fifers Lane]:
Dowding Road, Taylors Lane, Mallory Road, Dakota Drive, Douglas Close &
Old Blenheim Way, Norwich.

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 23rd of July
two thousand and fourteen.

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

.....

Authorised by the Council

SCHEDULE
SPECIFICATION OF TREES

Article 3

Trees specified individually
(encircled in black on the map)

Reference on Maps	Description	Situation
T1	Oak	Adjacent to the boundary with the highway to the south of the site, in the open greenspace to the East of the Dowding Road entrance from Fifers Lane. Grid ref - 622705 : 312389
T2	Sycamore	Adjacent to the footpath in the open green space to the East of Dowding Road, approximately 50mtrs. North East of the entrance from Fifers lane Grid ref - 622719 : 312431
T3	Oak	In the North Western corner of the open green space between Taylors Lane and Embry Crescent. Grid ref - 622856 : 312707
T4	Cherry	In the North Eastern corner of the open green space between Taylors Lane and Embry Crescent. Grid ref - 622704 : 312714
T5	Oak	In the open green space to the South of no. 28 Taylors Lane, adjacent to the road junction bell-mouth. Grid ref - 622681 : 312730
T6	Oak	In the garden of no. 18 Taylors Lane, adjacent to the road. Grid ref - 622758 : 312739
T7	Horse chestnut	In the open green-space between no. 4 Mallory Road & no. 7 Dowding Road. Approx. 35mtrs West of the South West corner of the garden of no. 7 Dowding Road. Grid ref - 622704 : 312858
T8	Horse chestnut	In the open green-space between no. 4 Mallory Road & no. 7 Dowding Road.

		Approx. 18 Mtrs. South of the southern boundary of no. 10 Dowding Road. Grid ref - 622706 : 312883
T9	Horse chestnut	In the open green-space between no. 4 Mallory Road & no. 7 Dowding Road. Approx. 18 Mtrs. South of the southern boundary of no. 11 Dowding Road. Grid ref - 622666 : 312886
T10	Horse chestnut	In the open green-space between no. 4 Mallory Road & no. 7 Dowding Road. Approx. 35 Mtrs. East of the South East corner of the garden of no. 4 Mallory Road. Grid ref - 622660 : 312861
T11	Horse chestnut	In the open green-space between no. 4 Mallory Road & no. 7 Dowding Road. Centrally positioned between T7, T8, T9 & T10. Grid ref - 622685 : 312873
T12	Birch	At no. 3 Mallory Road. Adjacent to and South of the turning-head in the road. Grid ref - 622588 : 312879
T13	Birch	In the South East corner of the open green-space to the East of no. 14 Dowding Road. Grid ref - 622595 : 312902
T14	Birch	In the open green-space to the South of no. 1 Douglas Close. To the South West of that space & adjacent to the road bell-mouth of Old Blenheim Way with Dowding Road. Grid ref – 622572 : 312953
T15	Birch	To the frontage of no. 1 Douglas Close. Grid ref – 622597 : 312973
T16	Birch	To the frontage of no. 2 Douglas Close. Grid ref – 622607 : 312972
T17	Birch	To the frontage of no. 3 Douglas Close. Grid ref – 622598 : 312993
T18	Birch	To the frontage of no. 5 Douglas Close. Grid ref – 622598 : 313004
T19	Birch	To the frontage of no. 6 Douglas Close. Grid ref – 622610 : 313008
T20	Birch	In the wide verge to the North of 7 Douglas Close & opposite no. 10 Douglas Close.

		Grid ref – 622578 : 313041
T21	Birch	In the wide verge to the North of 7 Douglas Close & opposite no. 11 Douglas Close. Grid ref – 622598 : 313038
T22	Birch	In the North West corner of the garden of no. 8 Douglas Close. Grid ref – 622625 - 313037
T23	Cherry	To the frontage of no. 14 Douglas Close. Grid ref – 622649 : 313
T24	Swedish whitebeam	In the open green-space & to the South of no. 3 Dakota Drive. Grid ref – 622676 : 313074

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

Reference on Map	Description	Situation
G1	8 no. Cherry trees 6 no. Rowan trees	To the West of Dowding Road and in the Southern part of the road-side verge. Within grid refs – 622671 : 312406 622719 : 312453 622731 : 312490 622739 : 312490 622723 : 312450 622675 : 312403
G2	2 no. Cherry trees	To the East of Dowding Road and in the Southern part of the road-side verge. Within grid refs – 622695 : 312412 622700 : 312410 622719 : 312424 622724 : 312442
G3	4 no. Cherry trees	In the road-side verge to the East of Dowding Road, and to the West of no. 28 Catton Chase & nos. 5 & 6 Chase Close. Within grid refs – 622716 : 312433 622728 : 312447 622745 : 312493

		<p>622754 : 312490 622737 : 312443 622723 : 312427</p>
G4	<p>4 no. Cherry trees 3 no. Whitebeams 3 no. Rowan trees</p>	<p>In the road-side verge to the West of Dowding Road, and to the East of nos. 20 – 34 Marauder Road. Within grid refs – 622732 : 312495 622738 : 312492 622774 : 312629 622781 : 312628</p>
G5	<p>2 no. Cherry trees</p>	<p>In the road-side verge to the East of Dowding Road, and to the West of no. 21 Catton Chase. Within grid refs – 622766 : 312581 622771 : 312558 622777 : 312584 622773 : 312585</p>
G6	<p>7 no. Cherry trees 2 no Rowan trees</p>	<p>In the road-side verge to the West of Dowding Road, and to the East of no. 23 Taylors Lane & nos. 2-4 Dowding Road. Within grid refs – 622773 : 312629 622781 : 312629 622803 : 312702 622788 : 312737 622784 : 312731 622796 : 312704</p>
G7	<p>3 no. Cherry trees</p>	<p>In the open green-space between Taylors Lane & Embry Crescent, and to the North of nos. 3 & 4 Embry Crescent. Within grid refs – 622689 : 312687 622652 : 312695 622659 : 312682 622683 : 312680</p>
G8	<p>1 no. Ash tree 1 no. Cherry tree</p>	<p>In the open green-space opposite no. 4 Dowding Road & on either side of the footpath that joins the two parts of Taylors Lane. Within grid refs – 622792 : 312741 622796 : 312751 622808 : 312748 622800 : 312735</p>

<p>G9</p>	<p>1 no. Poplar tree 10 no. Ash trees 2 no. Cherry trees</p>	<p>In the open green-space to the East of Dowding Road and to the North of Taylors Lane, adjacent to the Eastern side of Dowding Road. Within grid refs – 622790 : 312736 622773 : 312757 622779 : 312844 622786 : 312844 622781 : 312760 622792 : 312749</p>
<p>G10</p>	<p>1 no. Ash tree 1 no. Rowan tree 1 no. Crab apple tree 1 no. Cherry tree</p>	<p>On the frontage of no. 5 Dowding Road. Within grid refs – 622761 : 312766 622763 : 312784 622770 : 312783 622769 : 312765</p>
<p>G11</p>	<p>2 no. Ash trees</p>	<p>In the verge to the West of Dowding Road and East of no. 1 Mallory Road. Within grid refs – 622764 : 312812 622766 : 312833 622774 : 312832 622772 : 312813</p>
<p>G12</p>	<p>2 no Ash trees 1 no. Cherry tree</p>	<p>In the verge to the North of no. 1 Mallory Road. Within grid refs – 622749 : 312832 622748 : 312840 622713 : 312843 622711 : 312834</p>
<p>G13</p>	<p>8 no. Ash trees 1 no. Cherry tree</p>	<p>In the oval, open green-space to the North of no. 2 Mallory Road. Within grid refs – 622668 : 312845 622702 : 312842 622699 : 312827 622665 : 312831</p>
<p>G14</p>	<p>4 no. Ash trees</p>	<p>In the verge adjacent to and to the North West of no. 2 Mallory Road. Within grid refs – 622670 : 312820 622655 : 312824 622655 : 312836 622647 : 312841 622650 : 312849 622660 : 312842</p>

		622664 : 312829
G15	4 no. Whitebeams 1 no. Norway maple 1 no. Rowan tree 6 no. Sycamore trees 9 no. Ash trees	In the verge on the Northern side of the section of Mallory Road that runs East to West from Dowding Road. Within grid refs – 622600 : 312859 622600 : 312863 622775 : 312850 622772 : 312843
G16	5 no. Sycamore trees	In the open green-space between no. 4 Mallory Road & no. 7 Dowding Road, adjacent to the Western boundary of no. 7 Dowding Road. Within grid refs – 622729 : 312852 622741 : 312850 622744 : 312898 622734 : 312898
G17	8 no. Sycamore trees	In the open green-space between no. 4 Mallory Road & no. 7 Dowding Road, adjacent to the Southern boundaries of nos. 9-12 Dowding Road. Within grid refs – 622725 : 312899 622635 : 312907 622634 : 312890 622727 : 312885
G18	2 no. Oak trees 1 no. Cherry tree	In the garden along the southern boundary of 4 Mallory Road. Within grid refs – 622631 : 312863 622633 : 312871 622609 : 312870 622607 : 312864
G19	1 no. Sycamore tree 1 no. Rowan	In the verge on the Eastern side of Mallory Road, opposite no. 3 Mallory Road. Within grid refs – 622593 : 312863 622596 : 312877 622609 : 312877 622601 : 312862
G20	4 no. Sycamore trees	In the verge to the West of no. 13 Dowding Road. Within grid refs – 622599 : 312907 622607 : 312906

		<p>622609 : 312944 622601 : 312944</p>
G21	3 no. Poplar trees	<p>In the Northern road-side verge opposite no. 13 Dowding Road. Within grid refs – 622606 ; 312951 622638 : 312947 622638 : 312954 622607 : 312959</p>
G22	2 no. Oak trees	<p>In the open green-space to the South of no. 25 Dakota Drive. Within grid refs – 622663 : 312968 622689 : 312970 622691 : 312955 622664 : 312955</p>
G23	5 no. Lime trees	<p>In the road-side verge to the East of no. 8 Dowding Road. Within grid refs – 622775 : 312931 622784 : 312930 622780 : 312885 622596 : 312905</p>
G24	3 no. Lime trees	<p>In the road-side verge to the East of no. 7 Dowding Road. Within grid refs – 622596 : 312897 622603 : 312896 622600 : 312870 622592 : 312870</p>
G25	1 no Birch tree 4 no. Poplar trees 4 no. Norway maples	<p>In the open green-space to the West of no. 15 Dowding Road. Within grid refs – 622522 : 312936 622541 : 312939 622549 : 312904 622533 : 312900</p>
G26	1 no. Birch tree 4 no. Poplar trees 5 no. Norway maples	<p>In the open green-space to the South of no. 16 Old Blenheim Way. Within grid refs – 622525 : 312987 622555 : 312984 622554 : 312965 622543 : 312946 622522 : 312938</p>
G27	1 no. Birch tree 1 no. Maple tree	<p>In the open green-space to the North of no. 10 Old Blenheim Way, adjacent to the</p>

		<p>North Western corner of the garden of no. 10 Old Blenheim Way. Within grid refs – 622528 : 313035 622540 : 313034 622538 : 313043 622529 : 313044</p>
G28	<p>2 no. Norway maples 1 no. Birch tree</p>	<p>In the open green-space to the South of no. 8 Old Blenheim Way. Within grid refs – 622529 : 313049 622537 : 313048 622537 : 313063 622530 : 313063</p>
G29	<p>3 no. Norway maples 1 no. Birch tree</p>	<p>In the rear garden of no. 8 Old Blenheim Way. Within grid refs – 622531 : 313077 622537 : 313077 622540 : 313094 622532 : 313095</p>
G30	<p>2 no. Birch trees</p>	<p>On the frontage of no. 9 Douglas Close. Within grid refs – 622561 : 313057 622571 : 313058 626589 : 313050 622559 : 313048</p>
G31	<p>2 no. Birch trees</p>	<p>On the frontage of no. 10 Douglas Close. Within grid refs – 622578 : 313057 622592 : 313057 622590 : 313048 622577 : 313050</p>
G32	<p>3 no. Birch trees</p>	<p>On the frontage of nos. 12 & 13 Douglas Close. Within grid refs – 622615 : 313053 622640 : 313053 622638 : 313045 622613 : 313047</p>

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		

This Order was confirmed by the City Council of Norwich, subject to the modifications indicated by

a) the removal of T6 from the plan and reference to it within the specification of trees struck through.

b) the repositioning of T22 on the plan and amended within the specification of trees on the 9th day of January of 2015

IN witness whereof the)
CORPORATE SEAL of the)
CITY COUNCIL OF NORWICH)
Was hereunto affixed on)
The 9th day of January)
two thousand and 2015 in the)
Presence of)

.....
Authorised by the Council to sign in that behalf



PLANNING SERVICES

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

Date : 17 Dec 2014

Scale : 1:2,700

Drawn by : DB

