

Report to Planning applications committee

Item

14 July 2016

Report of Head of planning services

Subject Tree Preservation Order [TPO], 2016 City of Norwich
Number 496 ; 3 Albemarle Road, Norwich NR2 2DF

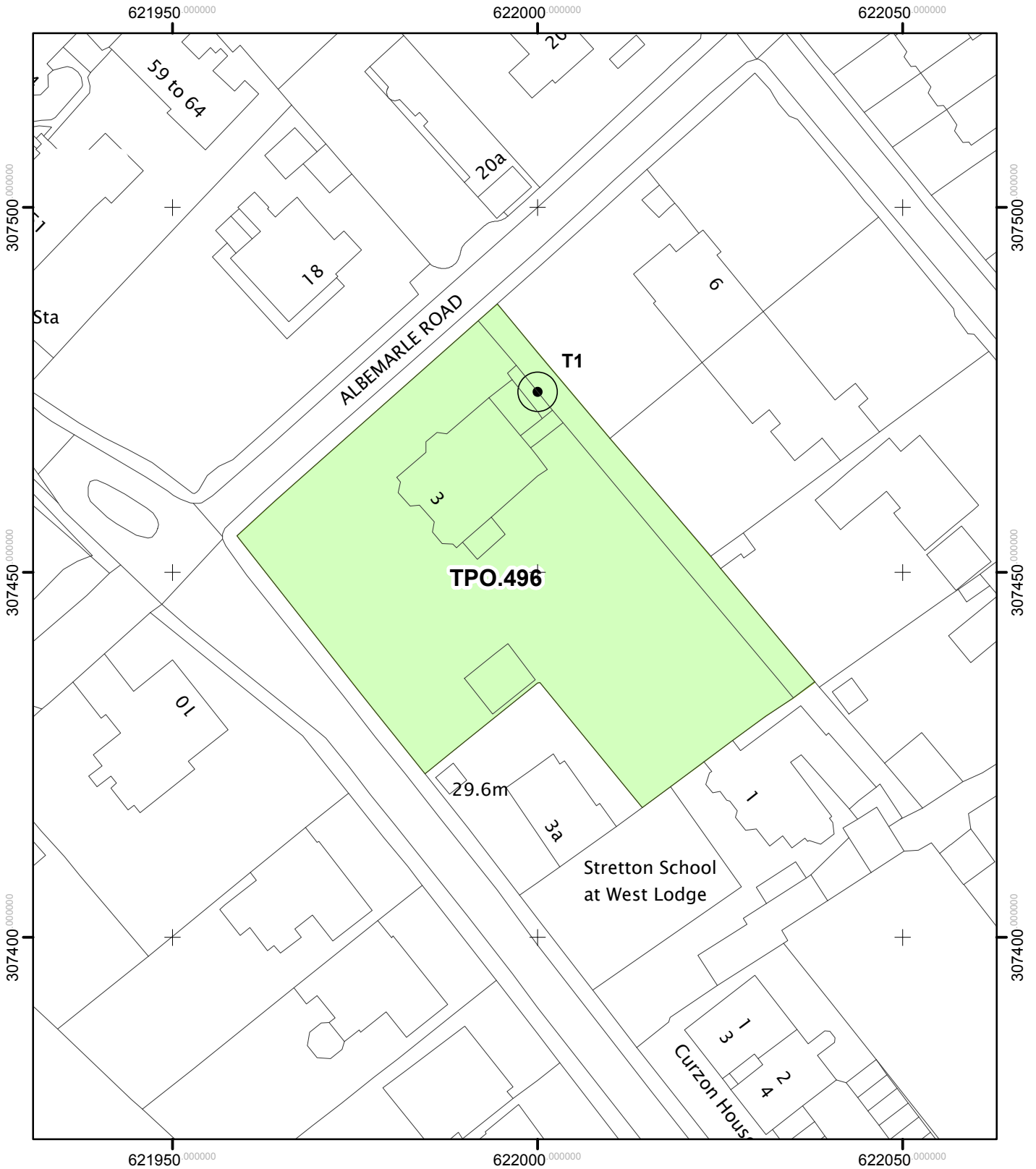
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Reason for referral Objections to confirmation of tree preservation order 496

Ward:	University
Case officer	Stephen Hayden – tree consultant for Norwich City Council tel: 01603 212546

Proposal		
To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 496 3 Albemarle Road, Norwich NR2 2DF with modifications to the plan to show the correct position of the tree		
Representations		
Object	Comment	Support
1	- -	- -

Main issues:	Key considerations:
1 Amenity	Impact on local residents Level of amenity for future occupiers
2 Air quality	Trees improve air quality by removing particulates
3 Biodiversity & wildlife	The loss of mature trees with no recourse for securing replacement planting Trees aid biodiversity and wildlife
4 Climate change	Trees increase resilience to climate change and contribute to mitigate against flash flooding.
Expiry date	9 March 2016
Recommendation	Confirm TPO 496 with modifications to the plan to show the correct position of the tree



PLANNING SERVICES

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

Date : 08/03/2016

Scale : 1:750

Drawn by : SRB



The site, surroundings and history

1. The mature Scots Pine is situated on the north eastern boundary of 3 Albemarle Road, Norwich NR2 2DF The tree is visible from Albemarle Road and the rear of the properties on Mount Pleasant.
2. The location of the trees is shown on the attached plan. This was originally positioned incorrectly and it is proposed that the TPO plan is modified to show the correct position of the tree.
3. The TPO was instigated as a result of an application to reduce the crown-spread of the tree from 6.5m to 3.5m as part of various proposed tree works.
4. The Council's Tree Consultant visited the site and undertook an assessment of the trees subject to the application. The Tree Evaluation Method for Preservation Orders (TEMPO) assessment was used and resulted in a score of 15 for the Scots Pine T1 indicating that a Tree Preservation order was defensible.
5. Tree Preservation Order [TPO], 2016. City of Norwich Number 496 ; 3 Albemarle Road, Norwich NR2 2DF was served on the 9 March 2016.
6. The Order needs to be confirmed within six months of being served for it to continue to be in effect.

Representations

7. Notice of the Order was served on the owners of the properties and neighbouring properties. In response 1 letter of representation has been received objecting to the Order from the owner of 3 Albemarle Road. Full details of these letters are available on request. The issues raised and the Tree Consultants response are summarised below:

Representation	Response
The position of the tree on the TPO plan is incorrect	As stated the tree is plotted incorrectly and whilst it is clear on site which tree is subject to the TPO, it is only right that the plan be modified to show the correct position of the tree. It is therefore recommended that the TPO Plan be modified to show the correct position of the tree T1.

Representation	Response
The trees shed debris - “The needles and cones from the tree regularly causes blocked gutters and drains to outhouses and the main house”	The shedding of needles and cones is not considered an acceptable reason for the removal of mature trees. It is part of living with trees within urban environments and considered to be a reasonable burden upon landowners given the overriding benefit trees afford to the public and city in general.
The roots of the tree are lifting the stable blocks in the courtyard at the rear of the dwelling and are worryingly close to drains.	Whilst this may be a cause for concern the proposed works applied for were not related to this and would not remedy either. If the trees are damaging the property and associated drainage suitable works to mitigate these issues would be considered. The tree preservation order is not intended to prevent reasonable management of the tree; it is there to prevent any unnecessary and potentially damaging works. To this end officers will work with the owners to ensure the most appropriate management of the tree(s).

Main issues

Issue 1

8. The reduction of the crown of this tree would have a detrimental effect on the visual amenity of this tree with high visual amenity, for little to no benefit. The tree is in good condition and visible from Albemarle Road.

Issue 2

9. The trees have a positive effect on air quality by cutting levels of airborne particulates and removing air pollutants.

Issue 3

10. The trees enhance biodiversity by providing habitats for a variety of species and thereby contribute to providing a healthy food chain that is of benefit to birds and mammals.

Issue 4

11. Albermarle Road is located within the Nelson and Town Close critical drainage area, tree canopies are proven to slow rates of precipitation and increase

infiltration. Every tree within the critical catchment area contributes to slow flash flooding.

Conclusion

12. The objections to the Order have been taken note of and whilst officers appreciate the concerns raised it is their opinion that the trees in question make a positive environmental contribution and have sufficient amenity value to validate their continued protection by the confirming of the Tree Preservation Order. However officers do appreciate the potential nuisance the trees may cause and are willing to work with the owner of the trees to secure appropriate tree works to reduce any potential nuisance through good management.

Recommendation

To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 496 ; 3 Albemarle Road, Norwich NR2 2DF with modifications to the plan to show the correct position of the tree

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 496, 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 496, 3 Albemarle Road, Norwich, NR2 2DF

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 ninth day of March
two thousand and sixteen.

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



A. N. Bull
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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.	Scots Pine	On the north-eastern boundary of 3, Albemarle Road Norwich, NR2 2DF Grid ref: TG 219074

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

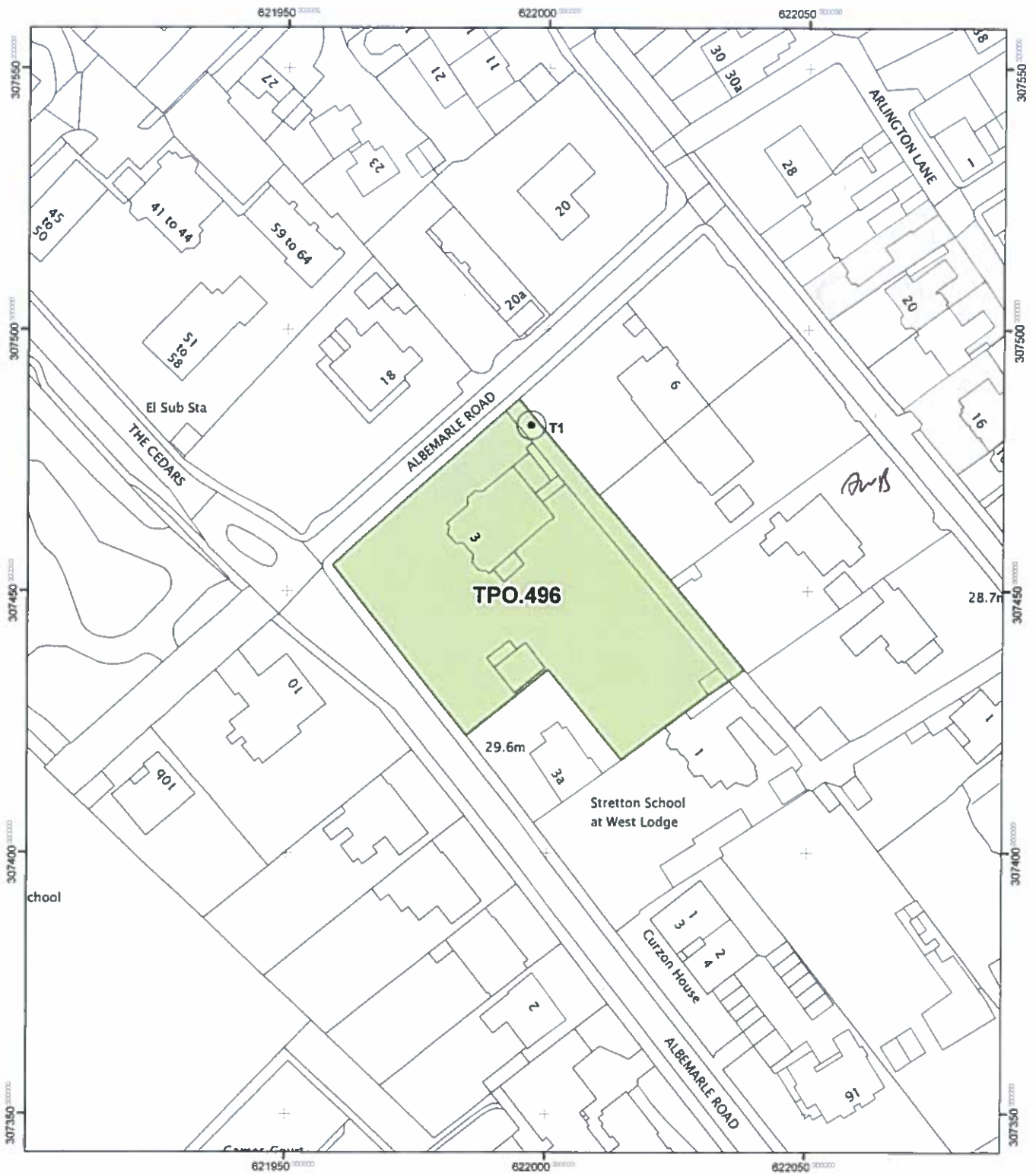
Reference on Map	Description	Situation
None.		

**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		



PLANNING SERVICES

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

Date : 08 March 2016

Scale : 1:750

Drawn by : DB



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 496

ADDRESS: 3 Albemarle Road, Norwich, NR2 2DF

THIS IS A FORMAL NOTICE to let you know that on **9th March 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 in response to notification of intention to crown reduce the Scots Pine tree.*

[The Order took effect, on a provisional basis, on **9th March 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 **11th April 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** 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**

DATED this **9th March 2016**.

Signed



Stephen Hayden
Acting 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.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 2/2/16	Surveyor: SH
Tree details	
TPO Ref (if applicable):	Tree/Group No: 12
Owner (if known):	Species: Scotch Pine
	Location:

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

* Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes	5
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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

* 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

Score & Notes	2
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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 Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or large trees with limited view only Suitable
- 2) Young, small, or medium/large trees visible only with difficulty Barely suitable
- 1) Trees not visible to the public, regardless of size Probably unsuitable

Score & Notes	3
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d) Other factors

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

- 5) Principal components of formal arboricultural features, or veteran trees
- 4) Tree groups, or principal 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)
- 1) Trees with poor form or which are generally unsuitable for their location

Score & Notes	1
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Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes	5
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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:	15
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Decision:	TPO
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