

**Report to** Planning applications committee  
10 January 2019

**Item**

**Report of** Head of planning services

**Subject** Tree Preservation Order [TPO], 2018. City of Norwich  
Number 541; 74 Upper St. Giles Street, Norwich, NR2 1LT

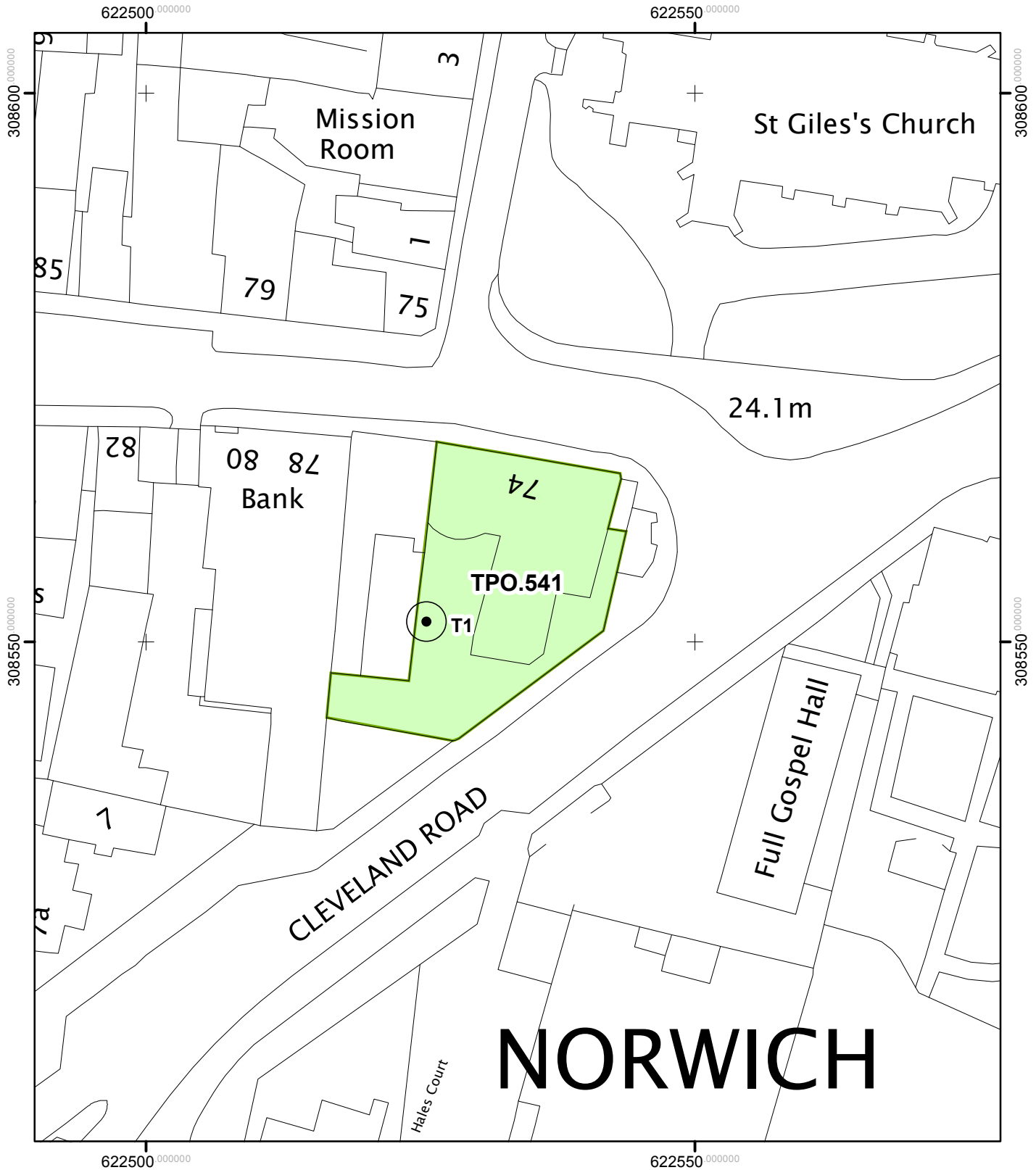
**4(i)**

**Reason for referral** Representations for, and objections to, confirmation of  
Tree Preservation Order 541

<b>Ward:</b>	Mancroft
<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 2018, City of Norwich Number 541, 74 Upper St. Giles Street, Norwich, NR2 1LT, without modifications.		
<b>Representations</b>		
Object	Comment	Support
1	0	0

<b>Main issues:</b>	<b>Key considerations:</b>
1 Amenity	Level of amenity for residents of/visitors to, Norwich city centre
2 Climate change	Trees increase resilience to climate change
3 Air quality	Trees improve air quality
4 Biodiversity & wildlife	Trees aid biodiversity and wildlife
TPO Expiry date	1 February 2019
<b>Recommendation</b>	Confirm TPO 541 without modifications



**PLANNING SERVICES**

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

Date : 30/07/2018

Scale : 1:500

Drawn by : SRB



## Introduction

1. A conservation area application was received in June 2018, requesting consent to reduce the height of a lime tree from 15m to 10m, and reduce the width from 6m to 3m. The reasons given by the applicant for this reduction were that the tree was too large and that it was overhanging the neighbour's garden.
2. The location of the tree is shown on the attached plan.

## The site, surroundings and content

3. The lime tree is situated in the rear garden of no.74 Upper St Giles St, close to the boundary wall, adjacent to no.76A.
4. This application follows a previous application requesting consent to pollard a near-by sycamore tree at the same address. Consent was granted to pollard the sycamore, as, although the specification was considered quite severe, the tree did not merit TPO status and was largely obscured from public view by the lime tree. Therefore the poor aesthetic quality of the tree, as a result of the pruning, would have little effect on the amenity of the area.
5. The proposed pruning of the lime tree, however, would not only have a direct detrimental effect on the tree itself (and amenity of the area), but would also give greater exposure to the poor quality sycamore.
6. The council's arboricultural officer visited the site and assessed the tree. It was felt that the specifications given in the application were too severe, unnecessarily damaging the tree, and diminishing its value. The assessment involved using the nationally recognised Tree Evaluation Method for Preservation Orders (TEMPO), which 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 tree, indicating that a Tree Preservation Order was definitely merited. City of Norwich no. 541 Tree Preservation Order, 2018: 74 Upper St. Giles St, Norwich, NR2 1LT, was served on 1 August 2018.

7. Tree Preservation Order (TPO) no 541 is provisionally in effect from 1 August 2018 until 1 February 2019, 6 months from the date on which it was served.
8. 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 from the next door neighbour, at 76A Upper St. Giles.

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. The processing of this TPO was before the implementation of changes to the committee's delegations and therefore subject to determination by the committee.
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. Full details of the representation are available on request.
12. The issues set out in the representation, and the responses from the arboricultural officer are summarised below:

<b>Representation</b>	<b>Response</b>
<p>The tree has a disease, causing a black powder to appear on the leaves, which then falls onto the paving at 76A. When wet, the paving becomes slippery.</p> <p>The tree should either be pollarded or cut down.</p>	<p>No diseases were apparent at the time of inspection. This is likely to be a condition called sooty mould (not a disease), caused by feeding aphids creating honeydew. Fungi then grows on the honeydew, resulting in the sooty mould. This has no real significance in terms of tree health.</p> <p>Objects/surfaces coated in sooty mould, can simply be washed with soapy water.</p> <p>The pruning specified in the application (and the request to either pollard or remove the tree, as cited in the letter of objection) is considered a disproportionate response to what is a common situation.</p> <p>It is the view of the officer that the amenity value of the tree, in its current form, and the contribution it makes to the area, outweighs the reasonable burden it places on the resident to clean her paving.</p>
<p>The tree is extremely tall and too close. If we had strong winds it would come crashing down into my bedroom and bathroom.</p>	<p>The tree is not extremely tall. No defects were found at the time of inspection that would suggest that the tree is vulnerable to failure in strong winds.</p>

## **Main issues**

### **Issue**

13. The negative impact the unnecessary pruning will have on the value of the tree, and the contribution it makes to the street scene. The potential lack of concealment of, what is considered to be, an unattractive adjacent tree.

## **Conclusion**

14. The objection to the Order has been taken note of, and whilst officers appreciate the issues and concerns raised, it is their opinion that the tree should be protected to ensure future retention in its current form. Solutions to address the issues/concerns raised which may benefit the objector, may include the removal of the adjacent poor quality sycamore (for which, consent would be granted), or, at an appropriate point in the future, a more sympathetic pruning specification for the lime.

## **Recommendation**

To confirm Tree Preservation Order [TPO], 2018. City of Norwich Number 541; 74 Upper St. Giles Street, Norwich, NR2 1LT, without modifications.

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: <u>5/7/18</u>	Surveyor: <u>MD</u>
Tree details	
TPO Ref (if applicable): <u>74</u>	Tree Group No. <u>71</u>
Owner (if known): <u>WAB ST. GILES</u>	Species: <u>LIME</u>
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	<u>3</u> <u>SWEPT BASE</u> <u>ASYMM. CROWN</u>
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\* Relates to existing context and is intended to apply to severe immediate defects

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	<u>4</u>
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\* Includes trees which are an existing or near future nuisance, including those drooping overgrowing 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, or future visibility with changes to 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	<u>4</u>
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d) Other factors

Trees must have accrued 7 or more points (with a 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	<u>1</u>
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### 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	<u>5</u>
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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:	<u>17</u>
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Decision:	<u>TPO.</u>
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**NORWICH**  
City Council

**Please ask for:**

4 Interested Parties

Mark Dunthorne  
Arboricultural officer (TPO)  
Tel: 01603 212426  
Email: [planning@norwich.gov.uk](mailto:planning@norwich.gov.uk)  
Date: 1 August 2018  
Our reference: 18/00541/TPO  
Please quote this when contacting us.

Dear Sir/Madam

**TOWN & COUNTRY PLANNING ACT 1990 (as amended).**  
**TOWN & COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012**

**CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 541**

**Location: 74 Upper St Giles Street Norwich NR2 1LT**

**Description: Tree Preservation Order, 2018 City of Norwich Number 541, 74 Upper St Giles Street Norwich NR2 1LT**

I enclose a formal notice advising you that the Council has made a Tree Preservation Order at the above address. It is necessary for me to notify the owner/occupier of the land in question and any other adjoining residents and interested parties of the making of the order. A copy of the Order is enclosed.

As you will see from the Notice, you may make written representations or objections in respect of the Order within a period of 28 days from the serving of this Notice. Any objections should be sent to the case officer named above to [planning@norwich.gov.uk](mailto:planning@norwich.gov.uk) or the address below. Please be aware that your comments (including your name and address) will be available as public information. Therefore, please do not include any sensitive information and you may choose to provide your comments as an attachment if corresponding by email and exclude your signature.

I would be most grateful if you could give me the name and address of any other person(s) you know who may have an interest in the premises which belong to or are associated with you.

Yours sincerely

Mark Dunthorne  
Tree Protection Officer  
Norwich City Council



**NORWICH**  
City Council

**Please ask for:**

Mark Dunthorne

Arboricultural officer (TPO)

Tel: 01603 212426

Email: [planning@norwich.gov.uk](mailto:planning@norwich.gov.uk)

Date: 1 August 2018

**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 2018**

**THE CITY COUNCIL OF NORWICH NUMBER 541**

**ADDRESS:**

74 Upper St Giles Street  
Norwich  
NR2 1LT

**DESCRIPTION:** Tree Preservation Order, 2018 City of Norwich Number 541, 74 Upper St Giles Street Norwich NR2 1LT

**DATE:** 1 August 2018

**THIS IS A FORMAL NOTICE** to let you know that on 1 August 2018, 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. More information on Tree Preservation Orders can be found on the government's Planning Practice Guidance website:

<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/>

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

The Order took effect, on a provisional basis, on 1 August 2018. 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 30 August 2017 (28 days after the date of the notice). 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. Please send any comments by email to **planning@norwich.gov.uk** or 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 the officer named above.

Yours sincerely

A handwritten signature in black ink that reads "G. Nelson". The signature is written in a cursive style with a large, looped initial "G".

**Graham Nelson**  
Head of Planning Services

Copies of this letter have been sent to:

<b>Name:</b> Mr Andy Dyble	<b>Address:</b> 74 Upper St Giles Street Norwich NR2 1LT
<b>Name:</b> Mr Bradley Allen	<b>Address:</b> B Allen Tree Services 9 Hall Close Bodham Holt NR25 6PW
<b>Name:</b> The Owner/Occupier	<b>Address:</b> 76 Upper St Giles Street Norwich NR2 1LT
<b>Name:</b> The Owner/Occupier	<b>Address:</b> 76A Upper St Giles Street Norwich NR2 1LT

**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.*



**NORWICH**  
City Council

**FORM OF TREE PRESERVATION ORDER**

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

**THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 541**

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, 541  
City of Norwich, 74 Upper St Giles Street Norwich NR2 1LT

**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 1 August 2018**

Signed on behalf of the City Council of Norwich:

A handwritten signature in black ink that reads "G Nelson". The signature is written in a cursive, flowing style.

Graham Nelson  
Head of planning services

Authorised by the Council to sign in that behalf

SCHEDULE

Article 3  
SPECIFICATION OF TREES

Trees specified individually  
**(encircled in black on the map)**

Reference on Maps	Description	Situation
<b>T1</b>	<b>1 x Lime</b>	<b>Adjacent Western boundary parallel to southernmost elevation of building.</b>