

Report to Planning applications committee

Item

11 August 2016

Report of Head of planning services

Subject Tree Preservation Order [TPO], 2014. City of Norwich
Number 510; 6, 12 & 14 Lollards Road, Norwich NR1
1SX

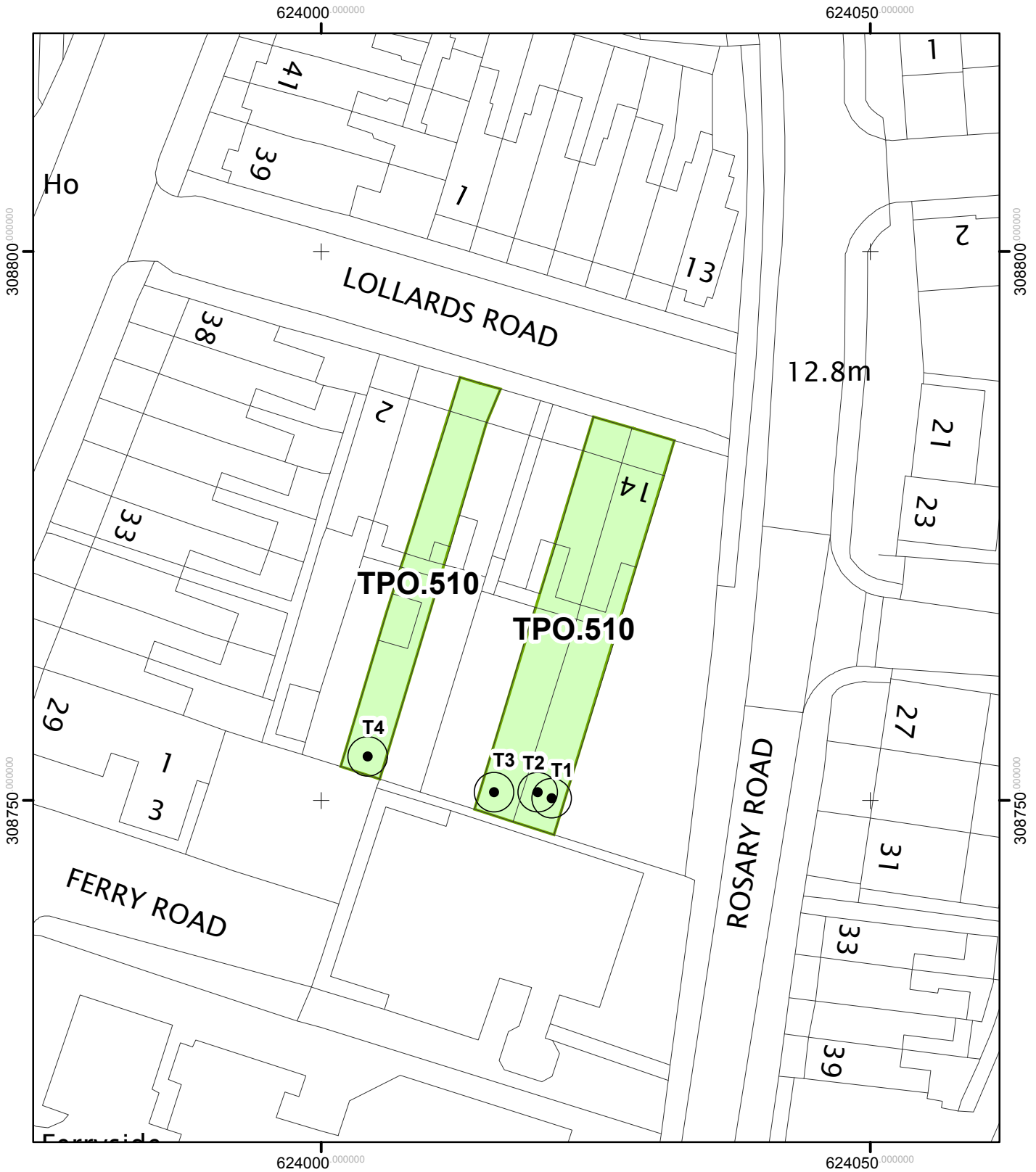
4(g)

Reason for referral Objections to confirmation of tree preservation order 510

Ward:	University
Case officer	Mark Dunthorne – tel: 01603 212426

Proposal		
To confirm Tree Preservation Order [TPO], 2014. City of Norwich Number 510; 6, 12 & 14 Lollards Road, Norwich NR1 1SX without modifications		
Representations		
Object	Comment	Support
1	-	-

Main issues:	Key considerations:
1 Amenity	Impact on local residents Level of amenity for future occupiers
2 Climate change	Trees increase resilience to climate change
3 Air quality	Trees improve air quality
3 Biodiversity & wildlife	The loss of mature trees with no recourse for securing replacement planting Trees aid biodiversity and wildlife
Expiry date	05 January 2017
Recommendation	Confirm TPO 510 without modifications



PLANNING SERVICES

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

Date : 28/06/2016

Scale : 1:500

Drawn by : SRB



The site, surroundings and history

1. The semi -mature Sycamores are situated in the rear garden of No's. 6, 12 & 14 Lollards Road, Norwich NR1 1SX. All trees are visible from Rosary Road, Riverside Rd and Lollards Road.
2. The location of the trees is shown on the attached plan
3. The TPO was instigated as a result of an application to reduce the two Sycamores at the rear of No14 Lollards Road.
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 16 for T1 and T2 which indicated that a Tree Preservation order was defensible. Given that the trees subject to the application formed an integral part of a larger group of trees it was considered appropriate to protect the adjacent trees forming the remainder of the group, These trees were also evaluated using the Tree Evaluation Method for Preservation Orders (TEMPO) assessment which resulted in a score of 16 for T3 and 13 for T4 which indicated that a Tree Preservation order was defensible
5. Tree Preservation Order [TPO], 2014. City of Norwich Number 510; 6, 12 & 14 Lollards Road, Norwich NR1 1SX was served on the 5 July 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 2 Lollards Road. Full details of these letters are available on request. The issues raised and the Tree Consultants response are summarised below:

	Representation	Response
6.1	The trees are not likely to be maintained and are growing in a less than ideal position	The trees are semi mature specimens that will require maintenance. This is already undertaken and the Council has recently received an application and given consent for the reduction of the trees away from the adjacent office building.

6.2	The trees are growing a less than ideal position very close to the adjacent office block- cutting out significant amounts of light and alongside the foundations	The trees are at the rear of the gardens of the properties on Lollards Road, tight up against, and screening the office building on the southern aspect of the dwelling. The removal of the trees will not reduce shading to any significant degree, as this will still be provided by the building. The trees provide important screening of the office block both from Rosary Road and the rear of the dwellings on Lollards Road.
6.3	The trees shed debris - "many, many thousands of seeds scatter over the owners and adjacent gardens"	The shedding of leaves and seeds 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.
6.4	Allowing the trees to be felled and requiring alternative species to be planted in their place that are smaller would be more suited to dense city centre housing.	It is agreed that the trees are close to the adjacent office building and their growth habit is affected by the building. However, the trees have adapted to their situation and are all healthy specimens. They will need to be, and are managed. They form an important linear feature screening the large office building from the dwellings on Lollards Road and from Rosary Road. Their removal and replacement with smaller trees would have a detrimental affect on the visual amenity of the site and surrounding area. 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

- The loss of these trees which are both in good condition and visible from the properties on Lollards Road and Rosary Road would have a detrimental impact on the amenity of the area for local residents and for future occupiers.

Issue 2

9. The loss of these trees would also contribute to the impacts of climate change. Through photosynthesis trees naturally absorb CO₂ 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.

Issue 3

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

Issue 4

11. 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.

Conclusion

12. The Objection 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

13. To confirm Tree Preservation Order [TPO], 2014. City of Norwich Number 510; 6, 12 & 14 Lollards Road, Norwich NR1 1SX 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 510 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 510, No's 6, 12 & 14 Lollards Road, Norwich, NR1 1SX

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 5th day of July
two thousand and sixteen.

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



Pr. Bill
.....

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.	Sycamore tree	In the rear garden of 14 Lollards Road, Norwich, NR1 1SX Grid ref – TG - 624025 : 308751
T2.	Sycamore tree	In the rear garden of 14 Lollards Road, Norwich, NR1 1SX Grid ref – TG - 624021 : 308753
T3.	Sycamore tree	In the rear garden of 12 Lollards Road, Norwich, NR1 1SX Grid ref – TG - 624018 : 308753
T4.	Sycamore tree	In the rear garden of 6 Lollards Road, Norwich, NR1 1SX Grid ref – TG - 624005 : 308756

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

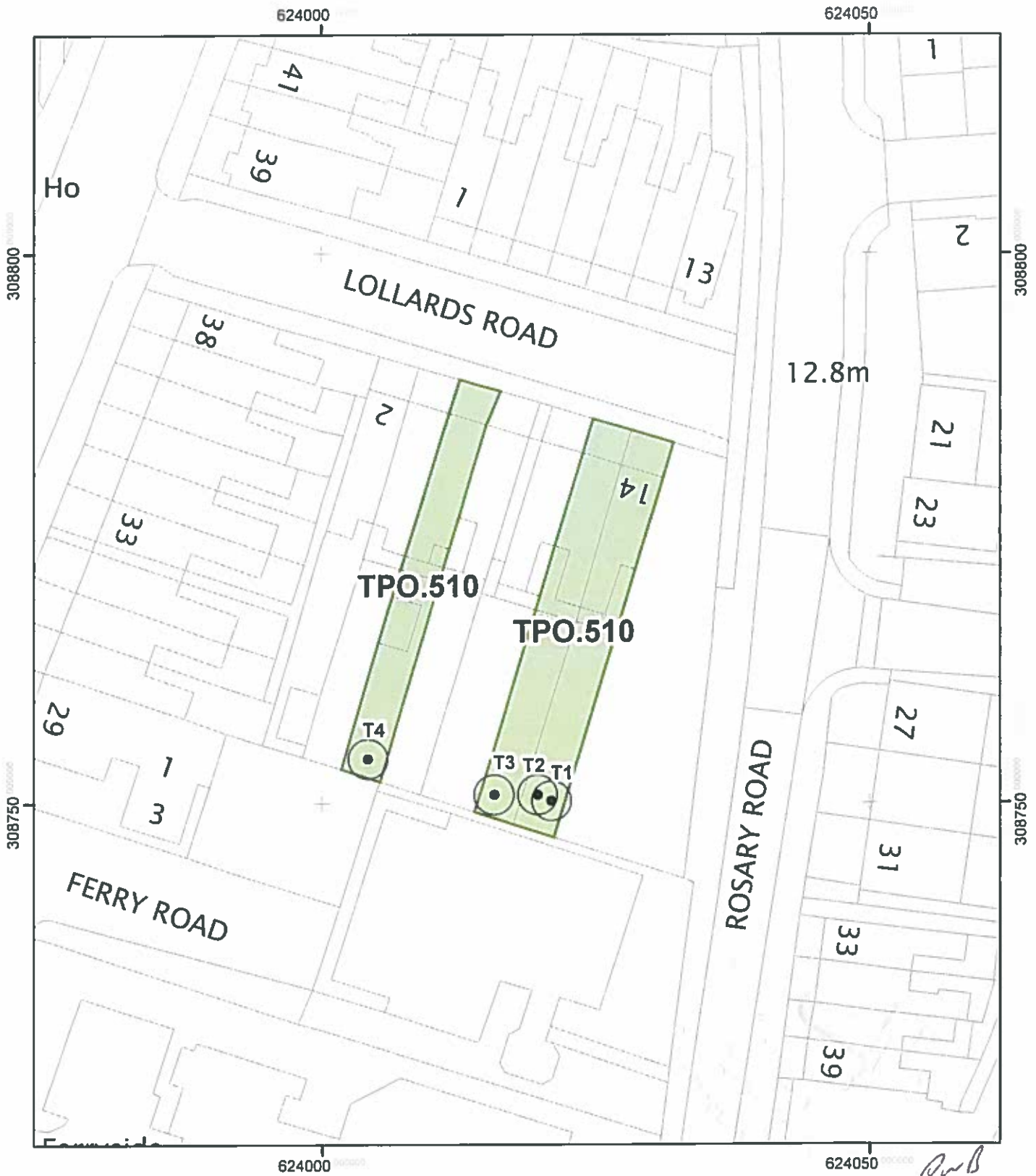
Reference on Map	Description	Situation
None.		

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 : 28/06/2016

Scale : 1:500

Drawn by : SRB



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 510

ADDRESS: No's 6, 12 & 14 Lollards Road, Norwich, NR1 1SX

THIS IS A FORMAL NOTICE to let you know that on **05th July 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 and in response to notification of intention to fell two of the trees.*

[The Order took effect, on a provisional basis, on **05th July 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 **03th August, 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**. 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)**.

DATED this **05th July 2016**.

Signed



Mark Dunthorne
Arboricultural Officer
City Hall, Norwich NR2 1NH
Tel: 01603 212426
Email: 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: 22/12	Surveyor: Stephen Hudson
-------------	--------------------------

Tree details TPO Ref (if applicable): Owner (if known):	Tree/Group No: T1, T2 Location: T3 Species: Sycamore
---	--

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 |

Score & Notes 3.

* 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 2/4 — will require management

*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 | Highly suitable |
| 3) Large trees, or medium trees clearly visible to the public | Suitable |
| 2) Medium trees, or large trees with limited view only | Suitable |
| 1) Young, small, or medium/large trees visible only with difficulty | Barely suitable |
| 0) Trees not visible to the public, regardless of size | 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 formal arboricultural features, or veteran trees | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Score & Notes
4</td> </tr> </table> | Score & Notes
4 |
| Score & Notes
4 | | |
| 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

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- | | | |
|---|--|-------------------------------------|
| 5) Immediate threat to tree inc. s.211 Notice | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">Score & Notes
3. TUA WAPP</td> </tr> </table> | Score & Notes
3. TUA WAPP |
| Score & Notes
3. TUA WAPP | | |
| 3) Foreseeable threat to tree | | |
| 2) Perceived threat to tree | | |
| 1) Precautionary only | | |

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: 16

Decision: TPO
