

Report to Planning applications committee

Item

08 February 2018

Report of Head of planning services

Subject Tree Preservation Order [TPO], 2017. City of Norwich Number 529; 2A and 2B Essex Street, Norwich, NR2 2BL.

4(g)

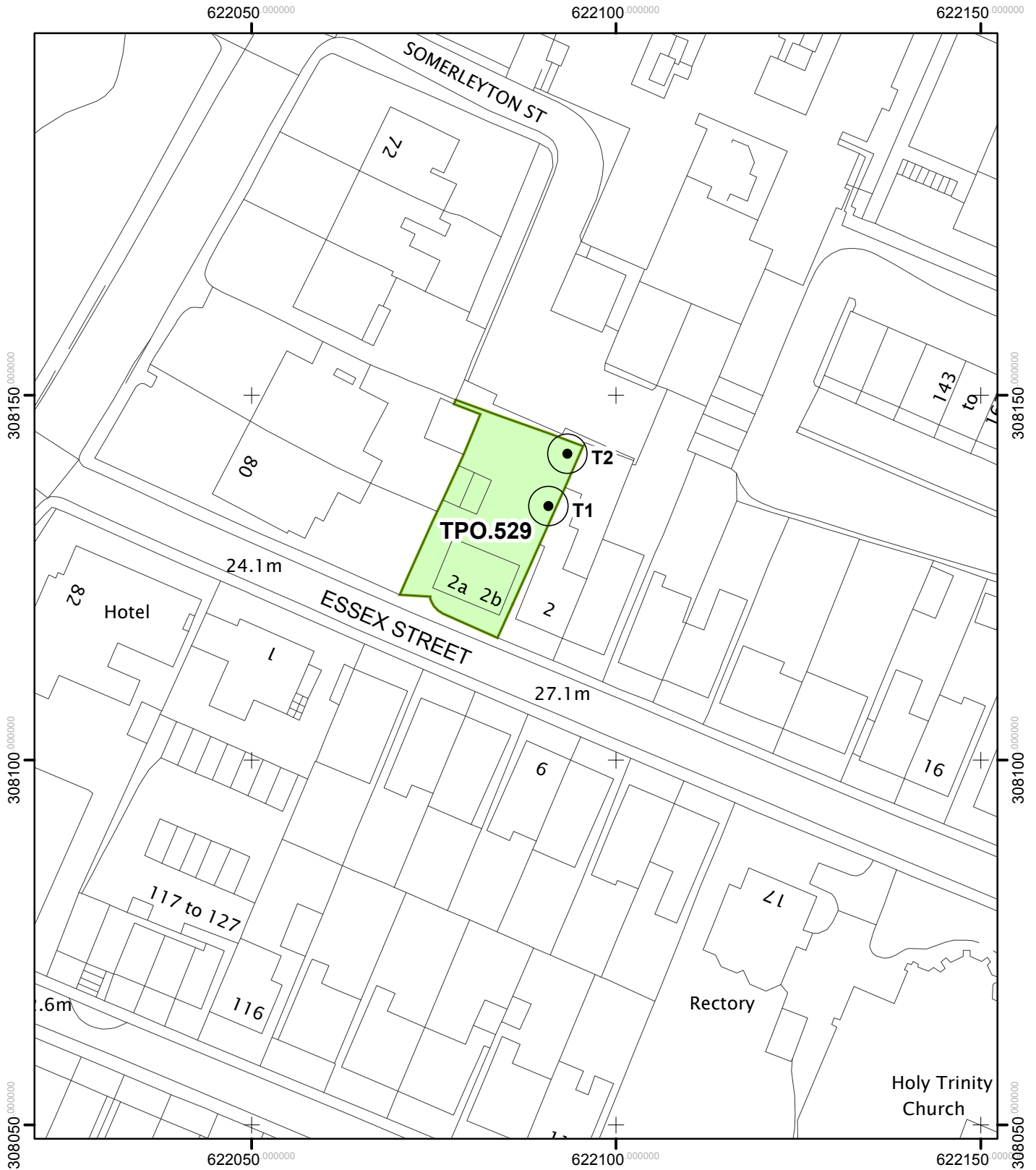
Reason for referral Representations for, and objections to, confirmation of Tree Preservation Order 529

Ward: Town Close

Case officer Mark Dunthorne, arboricultural officer, markdunthorne@norwich.gov.uk

Proposal		
To confirm Tree Preservation Order 2017, City of Norwich Number 529, 2A and 2B Essex St, Norwich, NR2 2BL without modifications.		
Representations		
Object	Comment	Support
1	0	0

Main issues:	Key considerations:
1 Amenity	Level of amenity for residents of/visitors to, the area around Essex Street.
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	3 April 2018
Recommendation	Confirm TPO 529 without modifications



PLANNING SERVICES

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

Date : 21/09/2017

Scale : 1:750

Drawn by : DB



Introduction

1. A conservation area application was received from the resident of 2 Essex Street, requesting consent to pollard and/or, remove, two lime trees located in the rear garden of 2A and 2B Essex Street.
2. The location of the trees is shown on the attached plan.

The site, surroundings and content

3. Two large, mature, healthy lime trees in the rear garden of 2A/2B Essex Street, situated close to the boundary of 2 Essex Street.
4. The council's arboricultural officer visited the site and assessed the trees using the nationally recognised tree evaluation method for preservation orders (TEMPO). The assessment has the following classifications:

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

5. The assessment resulted in a score of 19 for the trees, indicating that they definitely merited a Tree Preservation Order. City of Norwich, no. 529 Tree Preservation Order, 2017: 2A and 2B Essex Street, Norwich, NR2 2BL was served on 3 October 2017.
6. Tree Preservation Order No 529 is provisionally in effect from 3 October 2017, until the 3 April 2018, 6 months from the date on which it was served.
7. 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.
8. The council's scheme of delegation requires that when an objection to an Order is received, a report must be presented to planning committee before the Order is confirmed.
9. 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

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

Representation	Response
<p>The trees size and proximity to 2 Essex St. (50cm from the extension and 5m from the house), is causing anxiety.</p>	<p>Removing large trees just because they are located within falling distances of properties is not a reasonable policy to adopt.</p> <p>The tree owner has a 'duty of care' to prevent or minimise the known risk of damage or injury to one's neighbour, or to the neighbour's property. This can be achieved by ensuring the trees are inspected on a regular basis. An inspection from a qualified arboriculturist should go some way in allaying any anxieties the applicant has.</p> <p>Reducing the trees size (not totally removing them), is acceptable, and as such, an application to reduce the crowns, and/or pollard, at a specified height, would be appropriate. This too, may also allay any anxieties the applicant has, whilst at the same time, ensuring the trees retention.</p>
<p>Insurance will not cover damage by trees.</p>	<p>There are many insurance companies/policies that cover damage by trees.</p>
<p>The trees have co-dominant stems, which are weak points and liable to split.</p>	<p>Co-dominant stems in lime trees are common, and not necessarily an issue that would warrant remedial works. An application to reduce the crowns/pollard (not remove) would be considered appropriate.</p>
<p>In a few years the trunk of the tree will be touching our property.</p>	<p>The trees are mature, future growth will be minimal. A crown reduction, or pollarding (and maintaining a regular regime of such pruning) will also reduce secondary growth.</p>
<p>The trees branches rest on our extension and the gutters are always full of leaves. Overhanging branches, blocking out light.</p>	<p>A TPO will not prevent appropriate pruning. If pollarded, these issues will be reduced/eliminated.</p>

Representation	Response
Applicant is not sure what the rationale is for keeping the trees. Something less dangerous could be planted.	The rationale is a considered approach, assessing the value of the trees, in a number of ways, primarily their value in terms of amenity. This amenity value would be lost if the trees are removed. The trees are not considered dangerous.

Main issues

Issue 1

11. The threat to, and potential loss of, mature, healthy trees, which are in good condition and contribute to the amenity of the area. TPO status will help to ensure their future retention for the benefit of the vicinity.

Issue 2

12. The potential 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

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

Issue 4

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

Conclusion

15. The objections to the Order have been taken note of, and whilst officers appreciate the concerns raised, it is their opinion that the trees should be protected to ensure future retention. They make a positive contribution to the amenity of the area, and have sufficient value to validate their continued protection by confirming the Tree Preservation Order.

Recommendation

To confirm Tree Preservation Order [TPO], 2017. City of Norwich Number 529; 2A and 2B Essex Street, NR2 2BL, without modifications.



Please ask for:

4 Interested Parties

Mark Dunthorne
Arboricultural Officer (TPO)
Tel: 01603 212426
Email: planning@norwich.gov.uk
Date: 3 October 2017
Our reference: 17/00529/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 529

Location: 2A And 2B Essex Street Norwich NR2 2BL

Description: Tree Preservation Order, 2017 City of Norwich Number 529, 2A And 2B Essex Street Norwich NR2 2BL

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 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

Date: 3 October 2017

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 2017

THE CITY COUNCIL OF NORWICH NUMBER 529

ADDRESS:

2A And 2B Essex Street
Norwich
NR2 2BL

DESCRIPTION: Tree Preservation Order, 2017 City of Norwich Number 529, 2A And 2B Essex Street Norwich NR2 2BL

DATE: 3 October 2017

THIS IS A FORMAL NOTICE to let you know that on 3 October 2017, 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 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 3 October 2017. 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 1 November 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:

Name: [REDACTED]	Address: 2 Essex Street Norwich NR2 2BL
Name: [REDACTED]	Address: 22 Eaton Road Norwich NR4 6PY
Name: The Owner(s) Of 2A And 2B Essex Street	Address: 49 Low Road Hellesdon Norwich NR6 5AF
Name: The Owner/Occupier	Address: 2A And 2B Essex Street Norwich NR2 2BL

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 529

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, 529
City of Norwich, 2A And 2B Essex Street Norwich NR2 2BL

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 3 October 2017

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 style with a large initial "G".

Graham Nelson
Head of planning services

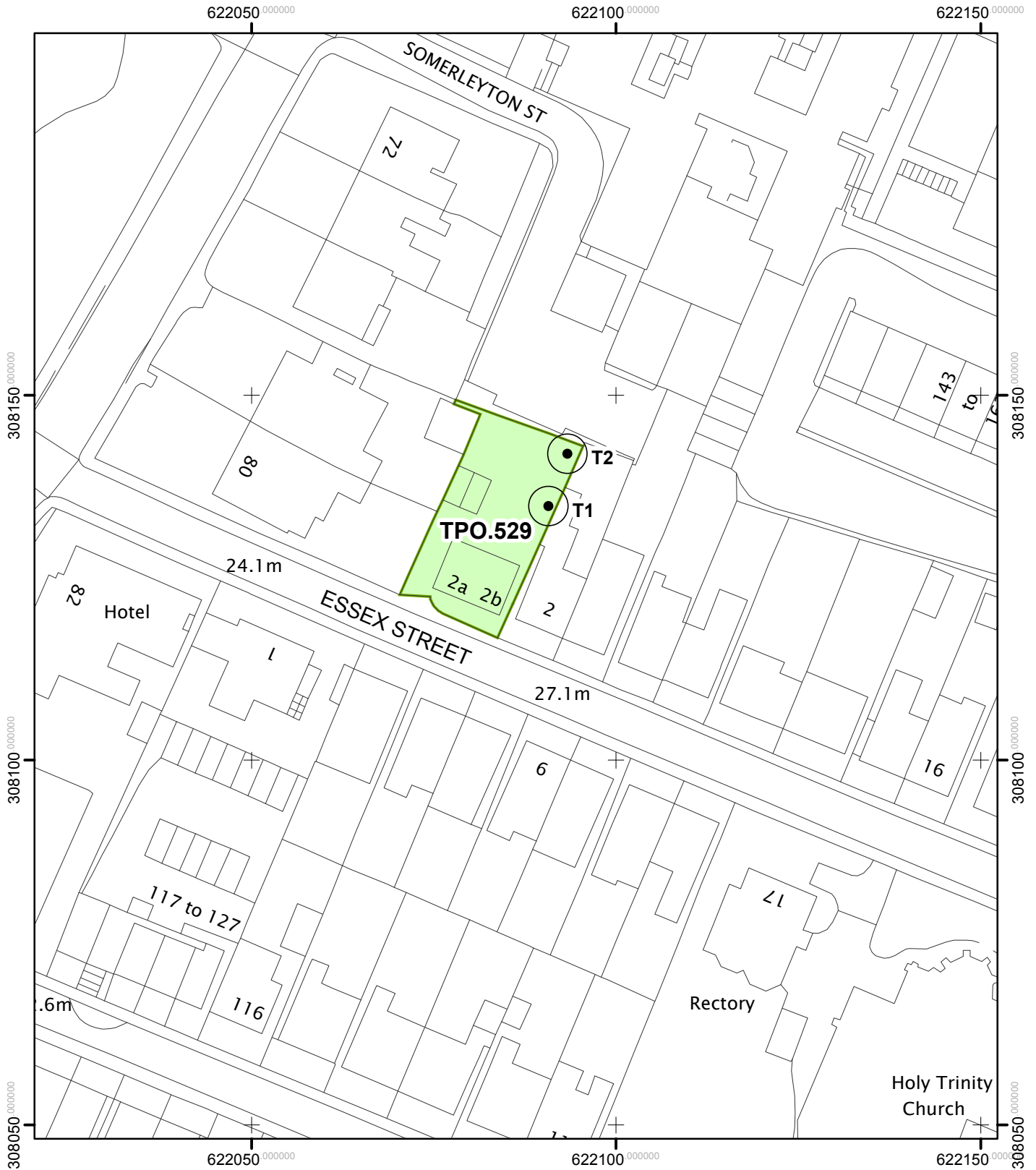
Authorised by the Council to sign in that behalf

SCHEDULE

Article 3
SPECIFICATION OF TREES

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

Reference on Maps	Description	Situation
T1	1 x Lime	In rear garden
Reference on Maps	Description	Situation
T2	1 x Lime	In rear garden



PLANNING SERVICES

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

Date : 21/09/2017

Scale : 1:750

Drawn by : DB



TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: <u>11/9/17</u>	Surveyor: <u>[Signature]</u>
Tree details	
TPO Ref (if applicable): <u>2A</u>	Tree Group No: <u>8T</u>
Owner (if known): <u>[Signature]</u>	Location: <u>T1-eT2</u>
	Species: <u>LIMES</u>

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>
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* 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 |
| 3) 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 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 |
| 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 | Fairly suitable |
| 1) Trees not visible to the public, regardless of size | Probably unsuitable |

- | |
|---------------------|
| Highly suitable |
| Suitable |
| Suitable |
| Fairly suitable |
| Probably unsuitable |

Score & Notes	<u>3</u>
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d) Other factors

Trees must have accrued 7 or more points (with no zero scores) 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>4</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>19</u>
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Decision:	<u>TPO</u>
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