

## Report for Resolution

**Report to** Planning Applications Committee  
26 August 2010

**Report of** Head of Planning Services

**Subject** Tree Preservation Order 2010  
The City of Norwich Council Number 437  
Address: Land at Byfield Court and Press Lane, Norwich.

**Item**  
**6**

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### Purpose

To ask the Committee in determining the confirmation of Tree Preservation Order (TPO) 437, (which relates to a group of trees on Land at Byfield Court and Press Lane) to consider the letters of both objection and support to the Tree Preservation Order and this report.

### Recommendations

To confirm Tree Preservation Order 2010, The City of Norwich Council Number 437 Address: Land at Byfield Court and Press Lane, Norwich.

### Financial Consequences

There are no financial consequences of this report.

### Strategic Priority and Outcome/Service Priorities

The report helps to meet the strategic priority “Strong and prosperous city – working to improve quality of life for residents, visitors and those who work in the city now and in the future” and the service plan priority of the Head of Planning Services

### Contact Officers

Michael Volp, Tree Protection Officer

01603 212546

### Background Documents

Tree Preservation Order No. 437 Schedule 1 and plan [as modified] and related correspondence.

Presentation material will also be available at Planning Applications Committee.

# **Report**

## **Introduction**

1. The Council served Tree Preservation Order (TPO) No 437 on 19 January 2010 when a local resident brought to the attention of the Council's Tree Protection Officer that at least one of the trees was under threat of removal.
2. An emergency, provisional order, citing trees within a specified area was served so as to preserve all trees currently within that area.
3. The Council made the Order to ensure immediate protection of the trees so that their contribution to local amenity could be assessed in order that those trees providing a sufficient contribution to the local amenity could be preserved in perpetuity.
4. The TPO has been modified just to include those trees that offer a sufficient contribution to the local amenity.

## **Objections and support**

5. A copy of the Order has been served on the owners with a copy sent to interested parties. One letter of support and one objection to the order have been received. These documents have been appended to the report.

## **Considerations**

6. The main reasons given to support the TPO are that:-
  - (a) considerable amenity value due to their existence is enjoyed by the respondent;
  - (b) one particular tree stops the very bright street light from shining into the bedroom during the summer;
  - (c) the birdsong from that trees and their very 'green-ness' are an enjoyable foil to an otherwise urban landscape;
  - (d) traffic noise from the nearby Aylsham Road is virtually neutralised by the trees.
7. The main objections to the TPO are that:-
  - (a) one of the trees has grown in an inappropriate environment;
  - (b) the development of the roots of that tree are being limited by an adjacent retaining wall, to the detriment of the wall;
  - (c) branches of that tree cross over cables;

- (d) branches of that tree are potentially damaging to people's property in the event that they should break off.
  - (e) that tree pushing against an adjacent fence has caused gaps that result in fly tipping.
  - (f) that tree provides a large area of cover that creates extensive damage to the road below
  - (g) the low branches of that tree reduce local air circulation resulting in a constantly damp and slippery surface to the lane.
  - (h) that tree provides extensive coverage which provides concealment for anti-social behaviour.
  - (i) due to the close proximity of the trees within the group to each other the effect of the nearby street light is diminished which again contributes to local anti-social behaviour.
8. If confirmed, the amended TPO will not preclude work being carried out which will go some way to alleviating some of the perceived problems outlined in the objections:-
- (a) Trees are self-optimising organisms that grown in accord with whatever environmental limitations their growing conditions dictate; trees in an urban situation are often not in their ideal environment but good arboricultural management can limit any potentially negative impact that may be perceived without recourse to the removal of a tree and the resulting entire loss of its benefit to the wider community accruing from it's existence.
  - (b) Applications for permission for pruning work to abate branches causing damage to the fabric of buildings, or to overhead cables is generally treated as a bonafide reason to grant such permission.
  - (c) Applications for permission for pruning work to raise the ground clearance level of the lower branches will be considered in light of the reasons stated in the application for those works.
  - (d) Perceived structural damage will be considered in light of the supporting evidence supplied with any tree work application submitted.
  - (e) The respondent who has supported the TPO would also support 'well considered, Professional tree management'.
  - (f) The Cherry tree cited within the letter of objection as causing damage to the adjacent pavement has been excluded from the modified TPO.
9. It is the view of the Head of Planning Services that the reason for making the Order is in the public interest, in that the trees form an important part of

the amenity of the area, contribute to the encouragement of biodiversity and should therefore receive such protection as the law affords.

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified by reference to an area  
**(within a black dotted line on the map)**

Reference on Map	Description	Situation
<b>None.</b>	<b>All trees within the area defined.</b>	<b>Land at Press Lane and Byfield Court, Norwich.</b>

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

Reference on Map	Description	Situation
<b>None.</b>		

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

Reference on Maps	Description	Situation
<b>None.</b>		

Woodlands  
**(within a continuous black line on the map)**

Reference on Map	Description	Situation
<b>None</b>		

SCHEDULE 1SPECIFICATION OF TREES

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

Reference on Map	Description	Situation
<b>G1.</b>	<b>2 no. Sycamore trees</b>	<b>Land at 51 Press Lane and 5 Byfield Court, Norwich.</b> <b>Within grid refs :-</b> <b>622234 : 310242</b> <b>622253 : 310235</b> <b>622251 : 310229</b> <b>622233 : 310237</b>

Trees specified by reference to an area  
(within a black dotted line on the map)

Reference on Map	Description	Situation
<b>None.</b>		

Trees specified individually  
(encircled in black on the map)

Reference on Maps	Description	Situation
<b>None.</b>		

Woodlands  
(within a continuous black line on the map)

Reference on Map	Description	Situation
<b>None</b>		



# NORWICH City Council

**Tree Preservation Order Number : TPO 437**

**Location : Land at Byfield Court and Press Lane, Norwich**

## PLANNING SERVICES

Norwich City Council, City Hall,  
Norwich, NR2 1NH

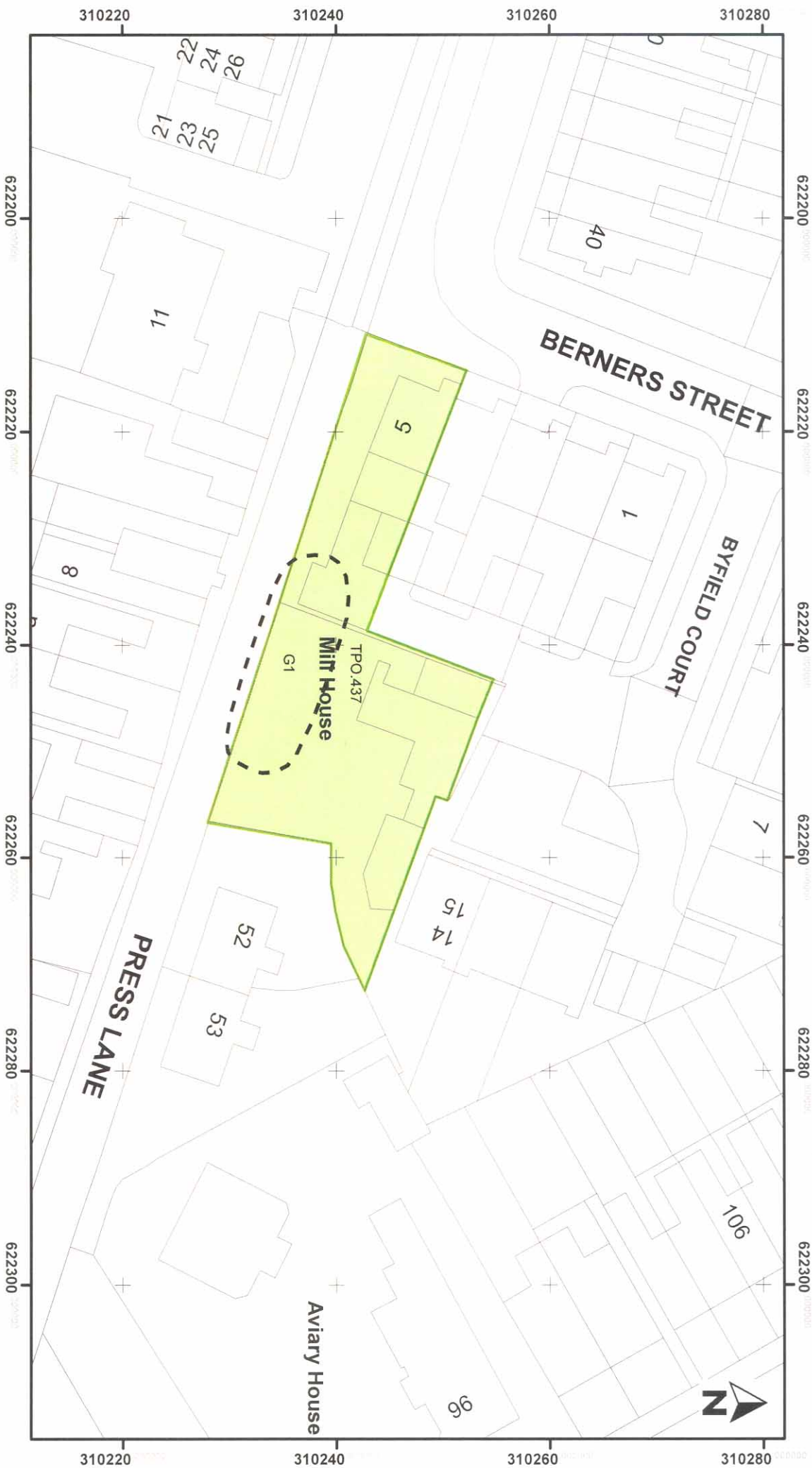
Telephone 0344 980 3333

Date 19/01/10

Scale 1:500

Drawn by SB





**NORWICH**  
City Council

**Tree Preservation Order Number : TPO 437**

**Location : Land at Byfield Court and Press Lane, Norwich**

**PLANNING SERVICES**

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

Date : 26/07/10

Scale : 1:500

Drawn by : D.B.





Byfield Court  
Norwich  
01/02/2010

Dear Mr Volp,

I am writing on behalf of the residents of Byfield Court to object to the Tree Preservation Order (TPO) NO. 437. In this letter I hope to demonstrate the valid and well intentioned objections to the TPO.

Byfield Court is held between Berner's Street and Press Lane, and is a separate housing estate of 5 houses and 10 flats, all of which have their own green areas.

In Byfield Court there are a number of beautiful trees which throughout the year add character and have a significant impact on the local environment. This letter of objection will detail the continuous care and maintenance required for a number of trees in Byfield Court which a TPO could undermine due to the reasons outlined below.

1. The sycamore tree that we are mainly concerned with has grown in an inappropriate environment positioned between Byfield Court and Press Lane. The roots as are now being limited in their development by the retaining wall and the roots are in turn pushing against the wall leading to Press Lane, and are undermining the structural integrity of the wall. Further to this the branches are crossing over cables and are potentially damaging to peoples' property should a branch break off. See Fig 1 and Fig 2
2. As a result of the growth of the tree it is pushing against the fence, which divides Byfield Court and Press Lane. The gaps that are constantly forming are a prime dumping point for household items such as full garbage bags, beer cans and food wrappers as well as less biodegradable products such as car and bicycle tyres. This makes it a possible nesting site for rats and other vermin. This fly-tipping detracts from the presentation levels in the court and during the summer months the low canopy of the tree provides adequate cover for fly-tipping to occur in the lane, evidence of tipping remains as I write. See Fig 3, Fig 4 and Fig 5
3. This sycamore tree provides a large area of cover that creates extensive damage to the underlying road that is very damp and slippery. The low crown reduces the air circulation in the area in the lane and the surfaces remain constantly damp and slippery, it is not just this individual tree but 3 maturing sycamore trees that contribute to these conditions. Simply raising the canopies of the trees would improve this situation immediately.
4. It also provides extensive coverage in Byfield court and Press Lane for youths that regularly use this among a number of other areas as a concealment zone for unsociable behaviour. Due to the close proximity of the three trees to each other they almost obscure the effect of the streetlight and therefore providing a safe cover for the behaviour mentioned. It can be an intimidating place to walk through when youths are loitering and many neighbours have commented that they will not use press lane after dark.
5. The pine trees at the front of 5 Byfield Court are usually kept in a tidy and neat state, as these are found next to the steps that connect Press Lane to Berner's Street, and during the warmer months the steps and lane are frequented by youths drinking and taking drugs. On numerous occasions the areas around the pine trees have had to be cleaned of alcohol cans and bottles, as well as an assortment of food wrappings. A hypodermic needle has also been removed in

the past from this area. This is clearly dangerous to young children in the area and provides an area for youths to frequent.

6. There is a cherry blossom tree in Byfield Court that is obstructing passage ways into houses and flats. Further to this the roots are uprooting the pavement which is a slip/trip risk potential. This tree also overhangs onto mill house and may cause potential damage to the property in the future. See Fig 6

The above points are a general concern felt by the neighbourhood of Byfield Court. The area has been subjected to numerous spates of violence including a petrol bomb thrown at a car belonging to 11 Press Lane, and the police have had to be called due to violence and due to people using the Mill House garden as a walkthrough and drinking area. There have also been a number of car crime incidents including wing mirrors kicked off cars, car windows being broken and hit and runs on cars. By introducing a TPO it will make the upkeep of these areas more challenging and more difficult to manage; in turn could make it less likely for the residents to want to proceed with a lengthy process and therefore leading to the decline of the area and hence encourage unsociable behaviour which threatens the area for all residents. Further to this our understanding of a TPO is to 'significantly enhance' the beauty of an area. The sycamore tree positioned between Byfield Court and Press Lane, and the pine trees at the steps of Berner's Street do not enhance the area, but rather provide coverage and hiding areas for inappropriate and unsociable behaviour as well as fly tipping.

We the residents of Byfield Court feel this TPO should be lifted to allow appropriate work to be carried out when necessary, such as before Spring when it is least detrimental to the trees concerned.

Many thanks,

Residents of Byfield Court

Copies of this letter have been sent to and are supported by Nos.1-15 Byfield Court and Nos. 51 and 52 Press Lane.

8 Press Lane  
Norwich  
NR3 2JY

28th January 2010



Planning Office  
Norwich City Council  
City Hall  
Norwich  
NR2 1NH

Dear Sir

**Tree Preservation Order TPO 437**

I would like to comment on the above preservation order, which revolves around the Maple tree on the small piece of land between the end of Byfield Court and Press Lane.

This tree is of considerable amenity value to me and makes for a more pleasant environment on Press Lane. There is a very bright street lamp and also security lights on Byfield Close which all shine into my North-facing bedroom windows. This tree shades me from most of that light in summer, and I enjoy the birdsong that comes out of it and its green-ness in an otherwise urban landscape. Additionally, the traffic noise from the Drayton and Aylsham roads does not often touch my property, and I think that the relative quietness is in part attributable to the two maple trees North of my property.

I have lived on Press Lane for almost 18 years, and this tree was only slightly less than its present height when I moved in, so I would guess that it is about 50 or 60 years old.

Over that period, it has rained maple syrup onto my car every summer, but I consider that to be a small price to pay for the benefits mentioned above. It has also dropped maybe three dead branches onto Press Lane over that period during high winds, each no more than about 1½" in diameter, the last being over 5 years ago.

It clearly would benefit from management, partly because it has ivy growing on its side. However, when I hear that after all these years it has suddenly it has become a menace to children, has a serious negative effect on the quality of life in Byfield Court and its roots are a problem – to people and to the tree itself (!), then I get a bit worried that the management will consist of something rather drastic and permanent. So I have no objection whatsoever to well-considered professional tree management. But I would very strongly object to this tree being destroyed for no good reason.