

**Report to** Planning applications committee

**Item**

10 November 2016

**Report of** Head of planning services

**Subject** Tree Preservation Order [TPO], 2016. City of Norwich  
Number 508; 278 Unthank Road, Norwich, NR2 2AJ

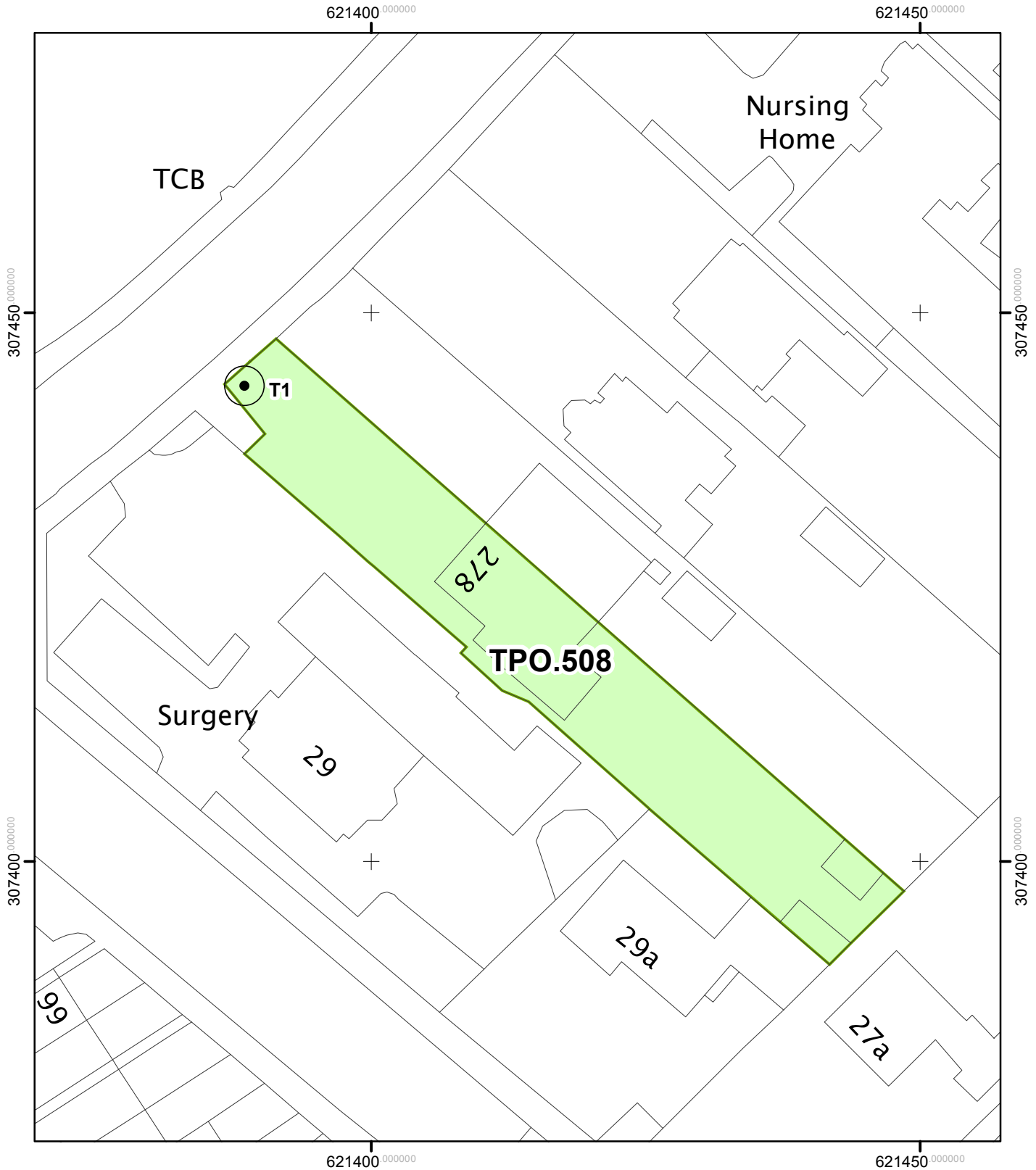
4(j)

**Reason for referral** Representations for and objections to confirmation of tree preservation order 508

<b>Ward:</b>	Eaton
<b>Case officer</b>	Imogen Mole, Lead arboricultural officer

<b>Proposal</b>		
To confirm Tree Preservation Order 2016, City of Norwich Number 508, 278 Unthank Road, Norwich, NR2 2AJ without modifications		
<b>Representations</b>		
Object	Comment	Support
1	0	0

<b>Main issues:</b>	<b>Key considerations:</b>
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	Trees aid biodiversity and wildlife
TPO Expiry date	04 December 2016
<b>Recommendation</b>	Confirm TPO 508 without modifications



**PLANNING SERVICES**

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

Date : 27/06/2016

Scale : 1:500

Drawn by : SRB



## Introduction

1. The mature Scots pine tree is situated on the roadside at the front of the property at 278 Unthank Road. It is prominent feature at the junction of Unthank Road, Mile End and Colman Road.
2. The location of the trees is shown on the attached plan
3. The tree is privately owned by 278 Unthank Road.
4. Tree Preservation Order No 508 was served on the tree on the 4 July 2016 following an application to remove the tree from the Unthank and Christchurch Conservation Area.

## The site, surroundings and content

5. The residents at 278 Unthank Road applied to the council on 31 May 2016 requesting the tree be felled following advice that the repairs to their damaged driveway could not be undertaken without the removal of the tree
6. The council's arboricultural officer assessed the tree using the tree evaluation method for preservation orders (TEMPO). The assessment 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	Merits a TPO

The assessment resulted in a score of 16 for the Scots pine tree which indicated that a Tree Preservation Order was defensible.

7. City of Norwich, no. 508 Tree Preservation Order, 2016: 278 Unthank Road, Norwich, NR2 2AJ was served on the Scots pine tree on the 4 July 2016. The Order was provisionally in effect for 6 months from the date on which it was served.
8. The application to fell the tree was refused on the 20 June 2016. The reasons for refusal were:  
  
    "Large, prominent tree, highly visible. High amenity value, remaining contribution to area is considerable. (Repairs to driveway can be achieved whilst still retaining tree/protecting roots)"
9. Tree Preservation Order No 508 was provisionally in effect from 4 July 2016 until 4 December 2016, six months from the date on which it was served. 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 to TPO 508. 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.

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. One letter of representation has been received in response to the serving of Order No 508. The letter of objection to the Order was received by Gordon and Elizabeth Maw the owners of the property. Full details of this letter are available on request. The issues set out in the letters and the responses from the tree consultant are summarised below:

	<b>Representation</b>	<b>Response</b>
11.1	<i>Visibility – the tree is not visible until you arrive at the cross road junction. Our tree is only visible as you travel along Unthank Road towards the city.</i>	The tree is highly visible at the junction of Unthank, Colman and Mile End Road.
11.2	<i>Amenity - The Scots pine is a common tree.</i>	The Scots pine is a native tree with many associated wildlife benefits.
11.3	<i>Amenity - Our tree has suffered poor management in the past which has distorted it's growth, it has few branches on one side of the trunk and several branches have snapped off. Therefore it is not a particularly fine example of its species or intrinsically beautiful in the landscape</i>	The tree is an individual within a tree'd landscape, the character and form of this tree provides interest and as an evergreen provides winter colour.  The TPO will not prevent appropriate future management of the tree.
11.4	<i>Repairs to the driveway – we have been consistently advised that the tree roots are likely to grow and cause damage again</i>	There are many trees in the urban landscape that live and thrive by hardstanding such as the driveway at the front of 278 Unthank Road.  There are a many providers of tree root friendly driveways that have the additional benefit of being SuDS design (sustainable drainage systems) and will contribute positively to the problem of surface water runoff.

	<b>Representation</b>	<b>Response</b>
11.5	<p>Long term practicalities – <i>Larger vehicles have difficulty entering our driveway. The position of the crossing means parking on the road is not an option. Ideally we would like to widen our driveway to ensure vehicles can access easily and safely from a very busy road.</i></p>	<p>Retaining the tree would limit the options to redesign of the entrance to the property as does the position of the crossing; however the position of the crossing provides gaps in the traffic to allow safe manoeuvres in and out of the driveway.</p>

## **Main issues**

### **Issue 1**

12. The loss of a large, mature tree which is in good condition and visible from Unthank Road, Mile End and Colman Road would impact negatively on the amenity of the area for local residents and for future occupiers.

### **Issue 2**

13. The loss of this tree would also contribute to the impacts of climate change. Through photosynthesis trees naturally absorb CO<sub>2</sub> 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**

14. The tree has a positive effect on air quality by cutting levels of airborne particulates and removing air pollutants.

### **Issue 4**

15. The tree enhances biodiversity by providing habitats for a variety of species and thereby contributes to providing a healthy food chain that is of benefit to birds and mammals.

## **Conclusion**

16. Objections to the Order have been taken note of and whilst officers appreciate the concerns raised it is their opinion that the tree in question makes a positive environmental contribution and has sufficient amenity value to validate its continued protection by the confirming of the Tree Preservation Order.

## **Recommendation**

17. To confirm Tree Preservation Order [TPO], 2015. City of Norwich Number 508; Unthank Road, Norwich, NR2 2AJ 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 508, 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 508, 278 Unthank Road NR2 2AJ

**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,

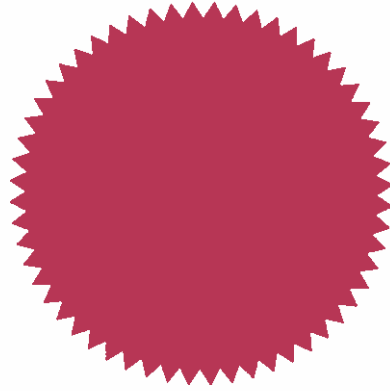
any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**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 4<sup>th</sup> day of July  
two thousand and sixteen.

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



*Ar. Bull*  
.....

Authorised by the Council

**SCHEDULE**

**SPECIFICATION OF TREES**

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

Reference on Maps	Description	Situation
T1.	Scots Pine	Adjacent to driveway in front garden of 278 Unthank Road Grid ref – 621388 : 307443

**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		



**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 508**

**ADDRESS: 278 Unthank Road, Norwich NR2 2AJ**

**THIS IS A FORMAL NOTICE** to let you know that on **4 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 *in response to a notification of intention of proposed works which will undermine the visual amenity of the area*

[The Order took effect, on a provisional basis, on **4 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 **2 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** 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 **4 July 2016**.

Signed



Mark Dunthorne  
Arboricultural Officer  
City Hall, Norwich NR2 1NH Tel: 01603 212426  
Email: [Markdunthorne@norwich.gov.uk](mailto: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: 20/6/16	Surveyor: MD
Tree details	278 UNTWANK RD
TPO Ref (if applicable): PINE	Tree / Group No: T1
Owner (if known)	Species: PINE

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              |

\* Rates to existing context and is intended to apply to some trees which do not

Score & Notes

ASYMMETRIC  
CROWN

3

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      |

\* Includes trees which are an existing or near future nuisance, including those which are overgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes

4

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

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                           | Score & Notes |
| 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) |               |

1

### Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- |                               |               |
|-------------------------------|---------------|
| 5) Immediate threat to tree   | Score & Notes |
| 3) Foreseeable threat to tree |               |
| 2) Perceived threat to tree   |               |
| 1) Precautionary only         |               |

5

TCA TO FALL

### 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