

Report to Planning applications committee
6 November 2014
Report of Head of planning service
Subject Tree preservation order no. 467; confirmation.

Item

5

Purpose

That the committee considers whether or not to confirm Tree Preservation Order[TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, Norwich, NR4 7QW .

Recommendation

To confirm Tree Preservation Order[TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, Norwich, NR4 7QW

Corporate and service priorities

The report helps to meet the corporate priority a prosperous city and the service plan priority to manage the development of the city through effective planning and conservation management

Financial implications

There are no direct financial implications arising from this report.

Ward/s: Eaton

Cabinet member: Councillor Stonard – Environment and transport

Contact officers

Mike Volp, tree protection officer

01603 212546

Background documents

Copy of provisional TPO no. 467 document
Copy of provisional TPO no. 467 plan.
Copy of provisional TPO no. 467 notice.
Copy of provisional TPO no. 467 accompanying letter.
Copy of modified TPO no. 467 document.

1 no. letter of objection

Report

Introduction

1. Tree Preservation Order No 467 was served in order to preserve an area of Woodland that was perceived by local, concerned residents to be under threat due to the property being sold.
2. An objection has been received to this order from Birketts LLP, on behalf of Capital Trust Limited. Full details of this letter are available on request.

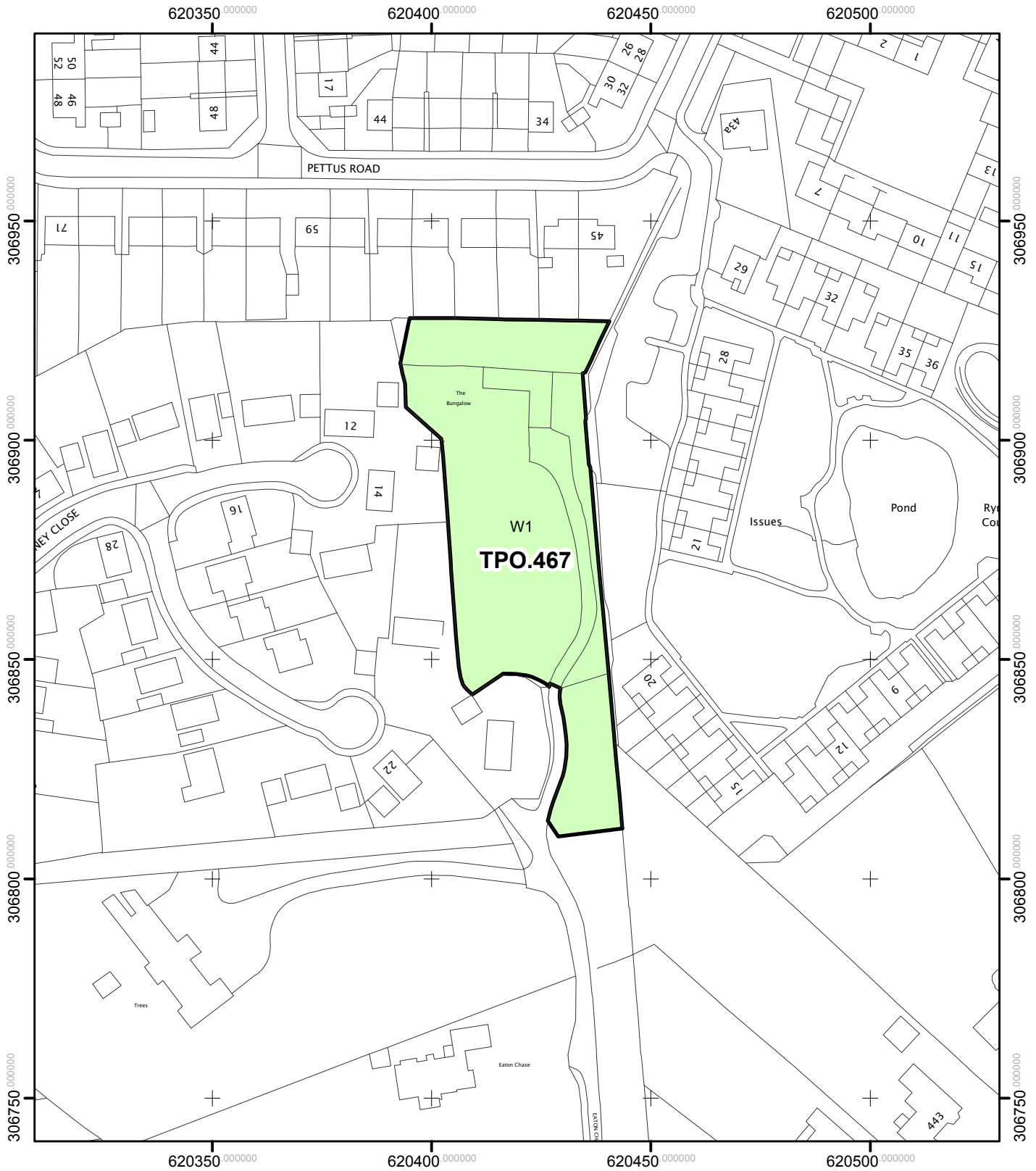
Summary of objections

3. The objections are summarised below with the officer response.

Issues raised	Response
Validity of the provisional TPO	The area of land in question regarding the invalidity of the TPO is not within the curtilage of The Bungalow and will be removed from the TPO as a modification on confirmation. This negates the basis of the objection.
Expediency	The woodland was not preserved and not within a conservation area; the concern of local residents that the woodland may have been under threat as a result of the land being sold is reason enough to make the serving of a provisional TPO expedient.
Amenity	The local residents who brought their concerns to the council's attention see the woodland as a local amenity. Amenity has been variously defined as "pleasant circumstances or features, advantages" and "any benefit that derives from a thing". Visual amenity, though important, is not the only benefit derived from trees; particularly in an urban environment.
It is inappropriate to use the woodland classification in gardens	This woodland, which has The Bungalow within it, is more of a bungalow in a woodland than a woodland in a garden.
The making of the 'woodland;' TPO imposes onerous requirements on the owner in terms of having to make applications for any tree work.	Since the introduction of The Town and Country Planning (Tree Preservation)(England) Regulations 2012 it is possible to agree proactive woodland management plans that would negate the need to apply for permission for every single tree work operation on every single tree. The formulation of long-term woodland management plans is something that is actively encouraged.

Conclusion

4. Objections to the order have been taken note of and where appropriate the order has modified.



PLANNING SERVICES

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

Date : 24 Oct 2014

Scale : 1:1,250

Drawn by : SB



THE CITY COUNCIL OF NORWICH

FORM OF TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990

THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 467, 2014

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, 2014 City of Norwich Number 467, The Bungalow, Eaton Chase, Norwich, NR4 7QW .

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

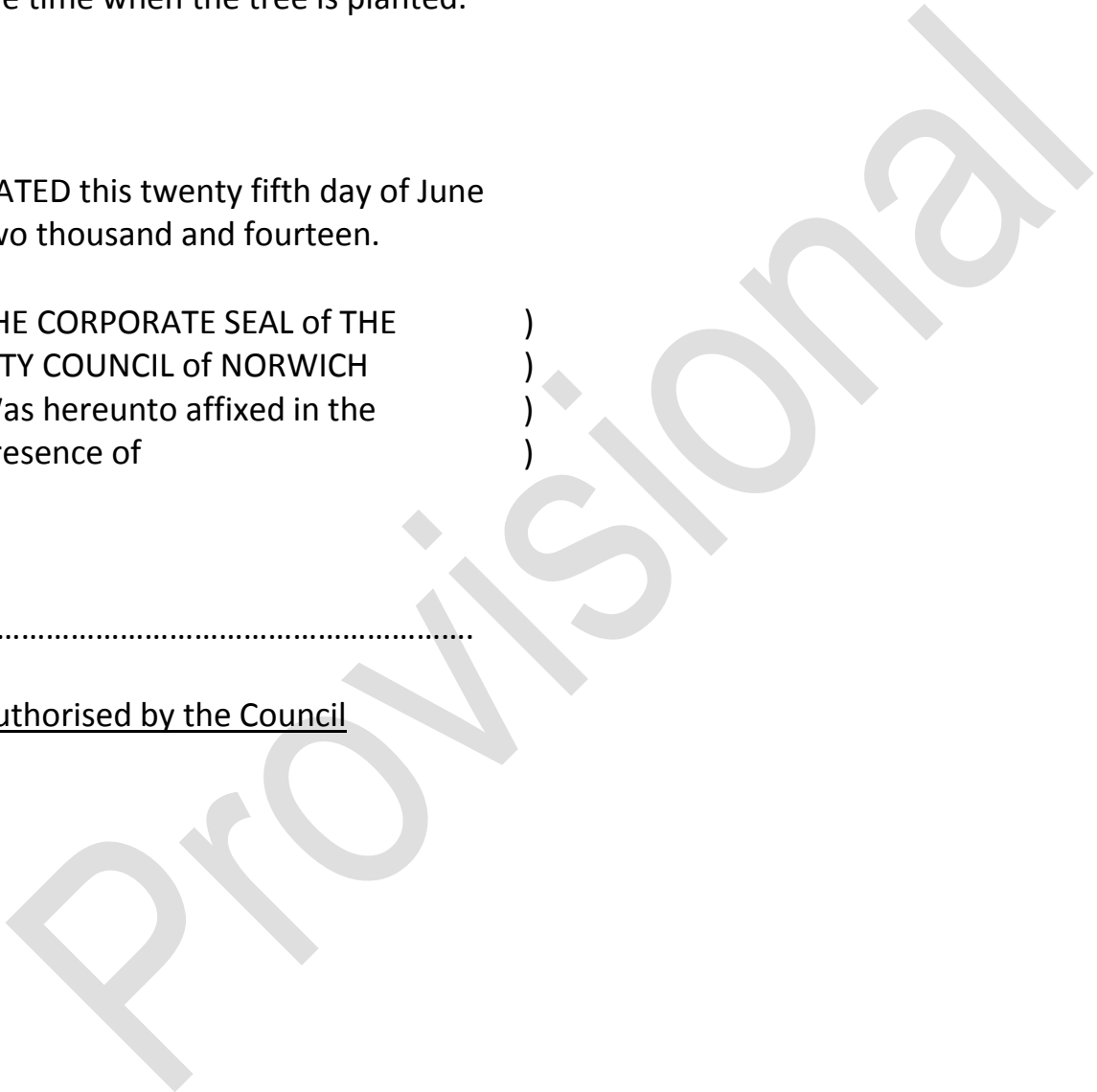
4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

DATED this twenty fifth day of June
two thousand and fourteen.

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

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Authorised by the Council



SCHEDULE

Article 3

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on Maps	Description	Situation
None.		

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
W1	Mixed, mainly deciduous woodland	Throughout the property known as The Bungalow, Eaton Chase, Norwich, NR4 7QW. Within grid refs :- 620692 : 306927 620442 : 306927 620447 : 306783 620437 : 306779 620430 : 306843 620409 : 306844

