

Report to Planning applications committee
13 June 2019

Item

Report of Head of planning services

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

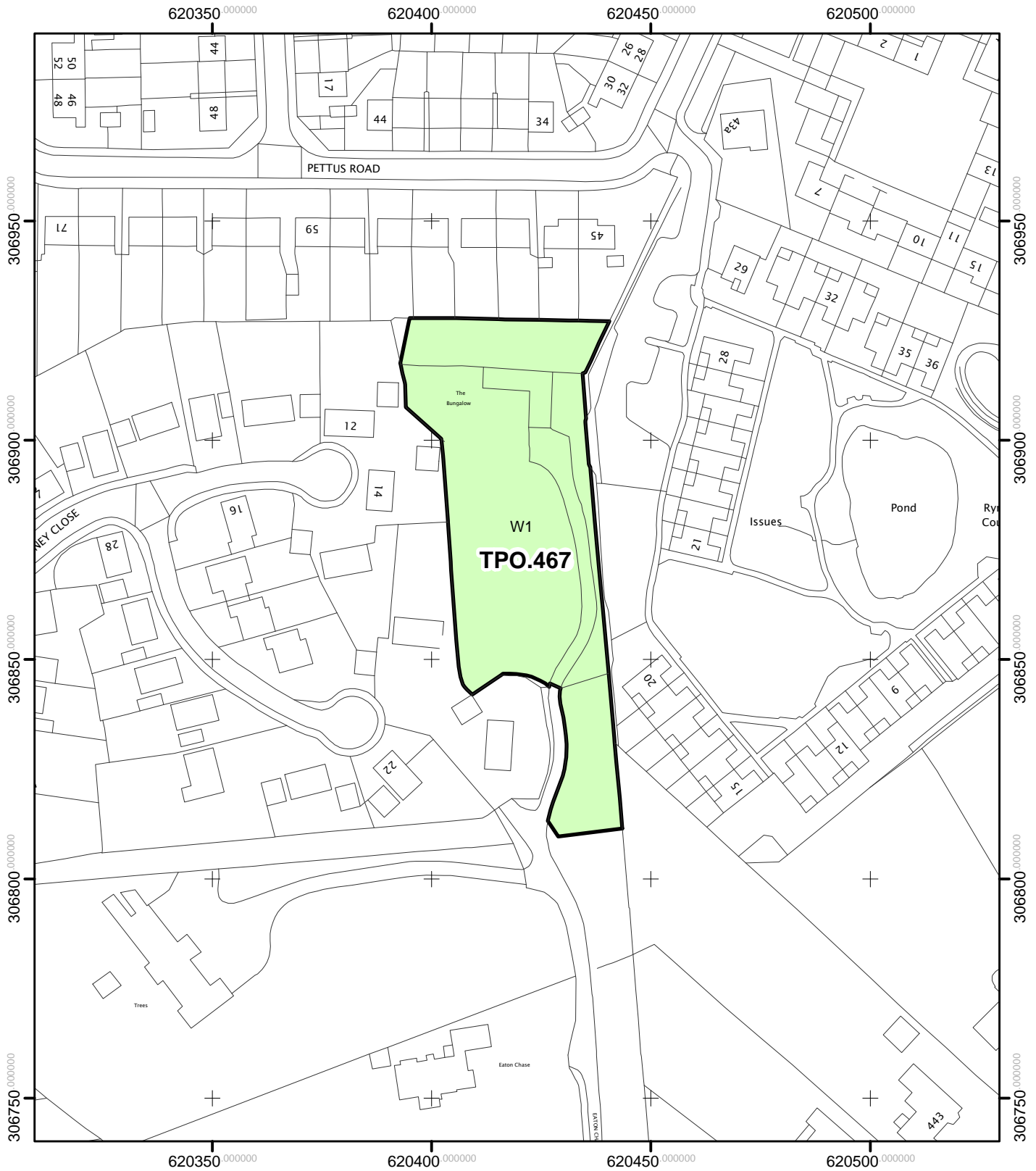
**Reason
for
referral** Representations for, and objections to, vary Woodland
TPO 467, 2014
Tree Preservation Order 467

5(b)

Ward:	Eaton
Case officer	Imogen Mole, Lead arboricultural officer contact imogenmole@norwich.gov.uk

Proposal		
To revoke and reserve Tree Preservation Order 2014, City of Norwich Number 467, The Bungalow, Eaton Chase, should planning permission be granted for new dwellings on site.		
Representations		
Object	Comment	Support
5	3	0

Main issues:	Key considerations:
1 Amenity	Level of amenity for residents of/visitors to, Norwich city
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	N/A
Recommendation	To revoke and immediately reserve TPO467 in light of proposed changes to the site.



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



Background

1. In 2014, the council served a 'Woodland' category tree preservation order (TPO) at The Bungalow, Eaton Chase, 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 was received to the confirmation of this order. At its meeting on 6 November 2014, the planning applications committee and resolved to confirm the order. The order was confirmed following this meeting.
3. In May 2017, the authority received an application to remove 25 sycamore trees from the site (17/00764/TPO) and permission was granted as good forestry management of the woodland.
4. Permission was granted to remove these sycamore trees with a replacement planting condition, the replacement planting has not yet been carried out.
5. Past management of the site has resulted in a number of structurally poor specimen trees, overcrowded individuals of poor quality and form.
6. The council has since received an application for a number of dwellings on the site. This application coupled with the removal of trees in 2017 (17/00764/TPO) has prompted us to review the TPO categorisation on the site and the replacement planting requirements.
7. The location of the site is shown on the attached plan.

The site, surroundings and content

8. The area is located within the boundary of The Bungalow, Eaton Chase. It is surrounded by residential properties to the north, Pettus Road, to the east Ryrie Court and the west, Blakeney Close.
9. The site is dominated by sycamore trees, with ash, elm and oak occurring and occasionally lime, bird cherry with an understory of holly and cherry laurel.
10. There is a statutory duty to consult when revoking a TPO, we have sent letters to adjacent properties and interested parties to inform them of the proposed changes to the order.
11. Given the link to the current application the proposed revocation and reserving of the notice is being reported to planning committee.

Representations

12. The issues set out in the representations, and the responses from the lead arboricultural officer are summarised below:

Representation	Response
The planting scheme should complement the remaining woodland habitat, not create overcrowding	Where possible good quality, existing woodland will be retained, replacement planting will be located in areas lacking trees, in particular around the boundary edges and areas void of trees to increase screening for neighbouring properties and biodiversity of the site.
The woodland is registered with the Forestry Commission as priority habitat. An ancient, historic woodland site.	<p>The authority has a statutory duty to consult the Forestry Commission (FC) for development occurring in or within 500m of ancient woodland.</p> <p>This site is not classified as ancient woodland but as an additional measure we have contacted the FC to consult them on the proposed changes to the order and the planning application. No response has been received.</p>
Changes to the order and granting consent for planning on the site contradicts the purpose of the original woodland TPO	<p>The authority has the power to vary or revoke orders.</p> <p>When land is developed, trees have been removed, replacement trees have been planted or when the authority considers the order is no longer providing appropriate or effective tree protection it is appropriate to review the order.</p> <p>Individual important trees are not currently listed, we are less informed about what is on site and should planning be granted the woodland order would no longer be appropriate.</p>
Changes to the site and enforcement of the scheme will place a burden on the authority	All planning applications have similar burden, including the administration of the existing woodland TPO.
A clear plan of the trees, setting out construction exclusion zones, root protection areas, crown spreads has not been provided	This comment relates to the associated planning application. As an outline application this level of detail is not appropriate as changes are likely and can be detailed at a later stage in the planning process.

Representation	Response
The site is important ecologically, plans present a loss of habitat	The ecological report and mitigation measures are set out in the application. Replacement planting and other mitigation measures have been assessed by qualified ecologists.
The perimeter of the site is already well stocked with trees, the planting plan illustrates planting in these areas	Where good quality trees are growing on the perimeter of the site and can be retained, they will be. The detail of where replacement trees will be planted can be amended to take into account the neighbouring properties, existing vegetation and proposed dwellings.
Service route for the new dwellings have the potential to damage trees	As an outline application this level of detail has not yet been submitted, non-invasive techniques, like air-spading and thrust boring, can be employed to minimise the risk of tree damage through the service connections.
Loss of vegetation and screening will be detrimental to neighbouring properties	Where possible perimeter vegetation will be retained, replacement planting will provide additional trees on site.
Properties on Pettus Road do not want robust boundary planting and want smaller trees to be planted	The specifics of the planting plan can be amended to accommodate this.
Neighbouring properties would like space to maintain the boundary edges	The specifics of the planting plan can be amended to accommodate this.
Recent tree cover loss will be permanently lost by the development	The effects of the proposed development have been assessed by qualified ecologists, from an arboricultural perspective, low quality trees have been removed and replacement planting plan illustrating areas of planting is acceptable.

Representation	Response
The planning application and replacement planting would not be acceptable if no development was proposed	<p>The planting plan and the development proposals must go together and be considered together.</p> <p>If no planning application was submitted replacement planting will still be required as part of the felling work in 2017.</p>
An updated tree plan needs to be provided referencing the retained trees	Varying the order will provide this level of information as well as a full planning application. This application is outline.
Replacement trees should be native, woodland trees	The specifics of the planting plan can be amended to accommodate this.
The outline application will denature the woodland turning it into gardens	<p>The woodland TPO has enabled us to require higher levels of replacement planting than would normally be seen on a development site.</p> <p>The garden of The Bungalow was once that, a garden but the level of replacement planting will allow a woodland feel along the boundary edges.</p>

Main issues

Issue

13. The discharge of the condition to replace trees following the removal work in 2017 has not yet taken place and is required. It is important these new trees should be part of a cohesive plan for the future use and layout of the site.
14. Important individual trees, including an oak tree displaying veteran characteristics is not listed and therefore not adequately protected as part of the woodland category TPO.
15. Should planning be granted for the dwellings on site, it is proposed to revoke the woodland category TPO and immediately reserve the TPO on site, listing important individual trees, groups of retained trees and the newly planted trees.
16. If the planning application is not granted, no changes to the order will be made, but irrespective of the planning decision replacement planting will still be required and can be secured by a tree replacement notice.

Conclusion

17. The objections to the proposed changes to the Order have been taken note of, and whilst officers appreciate the issues and concerns raised, it is their opinion that the trees are best protected by varying the order taking into account the future changes to the site.
18. Minor amendments to the planting plan can address the issues and concerns raised.

Recommendation

19. To revoke Woodland TPO 467 and immediately reserve individual and groups of trees listed on the same site Tree Preservation Order [TPO], 2014. City of Norwich Number 467; The Bungalow, Eaton Chase, Norwich, NR4 7QW, should planning permission for new dwellings be granted.



IMPORTANT – THIS COMMUNICATION MAY AFFECT YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

TREE PRESERVATION ORDER 2014

THE CITY COUNCIL OF NORWICH NUMBER 467

ADDRESS: The Bungalow, Eaton Chase, Norwich, NR4 7QW.

THIS IS A FORMAL NOTICE to let you know that on **25th June 2014**, 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 secure the retention of the area of woodland at the property so that any future management is carried out within the bounds of good arboricultural and woodland management practice.*

[The Order took effect, on a provisional basis, on **25th June 2014**. 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 **24th July 2014**. 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 **Michael Volp, Tree Protection Officer, Norwich City Council, St Peter's Street, Norwich, NR2 1NH (Tel: 01603 212546)**.

DATED this **25th June 2014**.

Signed

Tree Protection Officer
On behalf of Norwich City Council, City Hall, Norwich, NR2 1NH

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.

Dear Resident,

Tree protection – The Bungalow, Eaton Chase

I am writing to let you know I have received a proposed tree planting plan for The Bungalow, Eaton Chase. The planning service is also now consulting on the outline planning application at this site (18/01190/O).

Alongside the planning application, we are reviewing the way the trees are protected on the site.

You are probably already aware this site is covered by a woodland preservation order, TPO 467. The woodland category's purpose is to safeguard the woodland as a whole. Guidance states, it is unlikely to be appropriate to use the woodland classification in gardens.

Tree work was undertaken in 2017 to remove 25 poor quality sycamore trees (17/00764/TPO). The planting plan submitted was insufficiently detailed and did not address any future plans for the site.

The council are now in a position to evaluate the plans and the proposed replacement planting. The large areas of tree planting around the boundary edge will enhance the wildlife value of the site; recreate robust boundary edges and also encourage positive management of the site and trees through residential occupancy.

We need to make sure these new trees are afforded robust protection and to do this we will revoke the woodland preservation order after the replacement tree planting has taken place and on the same day, reserve a preservation order illustrating the new groups of planting and individually important trees on site.

For ease of access details of the tree replacement plan are being held with the documents on the above application (18/01190/O). If you have any comments you wish to make on the tree replacement works please let me have these within 21 days of the date of this correspondence.