

Report to Planning applications committee

Item

8 September 2016

Report of Head of planning services

Subject Tree Preservation Order [TPO], 2016. City of Norwich Number 506; 166a St Clements Hill, Norwich, NR3 4DG

5(Q)

Reason for referral Representations for and objections to confirmation of tree preservation order 506

Ward:	Catton Grove
Case officer	Stephen Hayden – tree consultant for Norwich City Council tel: 07850 167400

Proposal		
To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 506; 166a St. Clements Hill, Norwich, NR3 4DG without modifications		
Representations		
Object	Comment	Support
1		0

Main issues:	Key considerations:
1 Amenity	Impact on visual amenity of site and surrounding area
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	20 th November 2016
Recommendation	Confirm TPO 506 without modifications



PLANNING SERVICES

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

Date : 20/05/2016

Scale : 1:1,000

Drawn by : NLD



Introduction

1. The mature Copper beech tree is situated in the north east corner of the garden of 166a St. Clements Hill, adjacent to the entrance of the driveway into 168 St. Clements Hill. It forms part of a well-established wider group of large trees, and is a significant landscape feature, along this section of St Clements Hill.
2. The location of the tree is shown on the attached plan.
3. The tree is owned by 166a St. Clements Hill.
4. Tree Preservation Order No 506 was served on the tree on the 20th May 2016.

The site, surroundings and content

5. The tree is one of several mature beech trees in the immediate area, contributing to the attractive nature of this section of St Clements Hill. Its retention is seen as highly desirable in order to preserve the character of the area.
6. A request to place a TPO on the tree was received by NCC, highlighting the possibility of an intention to remove the tree, by the owners of 168 St Clements Hill, due to encroaching roots. The tree was then inspected by the acting Tree Protection Officer.
7. The Council's tree consultant assessed the tree using the 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	Merits a TPO

The assessment resulted in a score of 23 for T1, copper beech tree, which indicated that tree definitely merited a Tree Preservation Order.

8. Tree Preservation Order [TPO], 2016. City of Norwich Number 506; 166a St Clemets Hill, Norwich, NR3 4DG. The Order was provisionally in effect for 6 months from the date on which it was served, 20th May 2016.

Representations

9. Notice of the Order was served on the owners of the property and neighbouring properties. In response 1 letter of representation has been received objecting to the Order. Full details of this letter are available on request. The issues raised and the Tree Consultants response are summarised below:

Representation	Response
The tree restricts access to 168 St Clements Hill, leading to safety issues for users of the highway.	<p>Access to 168, although not 'generous', is adequate (approximately 2 feet clearance for cars, less for vans).</p> <p>The tree is a mature specimen, which has been in-situ for many years, highly visible to users of the driveway, and should not present any unforeseen difficulties for drivers using due care.</p> <p>St. Clements Hill has a speed limit of 20mph, and is considered a quiet road in terms of traffic volume. Therefore, even if a vehicle fails to negotiate turning into the driveway at the first attempt, it is not considered a hazard.</p>
Damage to boundary wall of 166a St. Clements Hill	This is the responsibility of the owners of the wall, 166a St. Clements Hill. Repairs to (or replacement of) the wall can be achieved without removing the tree.
The removal of the tree will not affect the immediate landscape, as there are 8 other substantial copper beech trees in the vicinity.	This is a prominent tree, with high amenity value. A principal component of the landscape in this vicinity, its removal would be to the detriment of the area.

Main issues

Issue 1

10. The loss of a mature copper beech tree in good condition with high visual amenity would have a detrimental impact on the visual amenity of the site and surrounding area.

Issue 2

11. The loss of this tree 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

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

Issue 4

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

The tree is located on a “green link”, as identified in the Greater Norwich Development Partnership Green Infrastructure Delivery Plan; Chris Blandford Associates, 2009. Green links integrate and link green spaces and are critical to wider habitat management.

Green links can be described as “The multi-functional network of ‘greenspaces’ and inter-connecting green corridors in urban areas, the countryside in and around towns and rural settlements, and in the wider countryside”

Conclusion

The tree is a mature specimen, in good condition. The root system is encroaching into the driveway of 168 St. Clements Hill, but not to the degree that is preventing access. Due to the tree’s age, any future root growth, and increase in size, will be minimal, therefore it is the officers opinion that any further encroachment will be negligible. The Objection to the Order has been taken note of and whilst officers appreciate the concerns raised, it is their opinion that the tree in question not only makes a positive environmental contribution, but it’s significant amenity value, and remaining life expectancy, validates its continued protection by the confirming of the Tree Preservation Order.

Recommendation

To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 506;166a St. Clements Hill, NR3 4DG without modifications

THE CITY COUNCIL OF NORWICH

FORM OF TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990

THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 506, 2015

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, 2015**
City of Norwich Number 506 , 166A St Clements Hill, Norwich, NR3 4DG

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 twentieth day of May
two thousand and sixteen.

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



AN RLM
.....

Authorised by the Council

SCHEDULE

Article 3

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on Maps	Description	Situation
T1.	Copper beech	In the front garden of 166a St Clements Hill, Norwich, NR3 4DG

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**

The Town and Country Planning (Tree Preservation)(England) Regulations 2012

TREE PRESERVATION ORDER 2015

THE CITY COUNCIL OF NORWICH NUMBER 506

ADDRESS: 166a St Clements Hill, Norwich, NR3 4DG

THIS IS A FORMAL NOTICE to let you know that on **20th May 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 *to prevent the removal of the tree which contributes to the local landscape amenity of the area*

[The Order took effect, on a provisional basis, on **20th May 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 **17th June 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**. 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)**.

DATED this **20th May 2016**.

Signed



Stephen Hayden
Acting 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.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 19/5/16 Surveyor: SH

Tree details
 TPO Ref (if applicable): Tree/Group No: T1 Species: Copper Beech
 Owner (if known): Location:

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) 100+ Highly suitable
 4) 80-99 Fair/satisfactory Suitable
 3) Fair/satisfactory Unlikely to be suitable
 2) Poor Unlikely to be suitable
 1) Dead/dying/dangerous* Unsuitable
 0) Dead/dying/dangerous* Unsuitable
- * Relates to existing context and is intended to apply to severe irremediable defects only

Score & Notes
 Mature Beech good condition 4

b) Retention span (in years) & suitability for TPO

- 5) 100+ Highly suitable
 4) 40-100 Very suitable
 2) 20-40 Suitable
 1) 10-20 Just suitable
 0) <10* Unsuitable
- * 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

Score & Notes
 Mature tree good size 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
 Key landscape 5
 Better on road
 better

d) Other factors

Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of formal arboricultural features, or veteran trees
 4) Tree groups, or principal 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) Trees with poor form or which are generally unsuitable for their location

Score & Notes
 Key landscape tree 15

Part 2: Expediency assessment

Trees must have accrued 10 or more points to qualify

- 5) Immediate threat to tree inc. s.211 Notice
 3) Foreseeable threat to tree
 2) Perceived threat to tree
 1) Precautionary only

Score & Notes
 Elms considered? 5

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:
 23

Decision:
 TPO
 AMAP