

Report to Planning applications committee

Item

14 July 2016

Report of Head of planning services

Subject Tree Preservation Order [TPO], 2016. City of Norwich
Number 498; 5 Edenhurst Close, Norwich, NR4 7QT

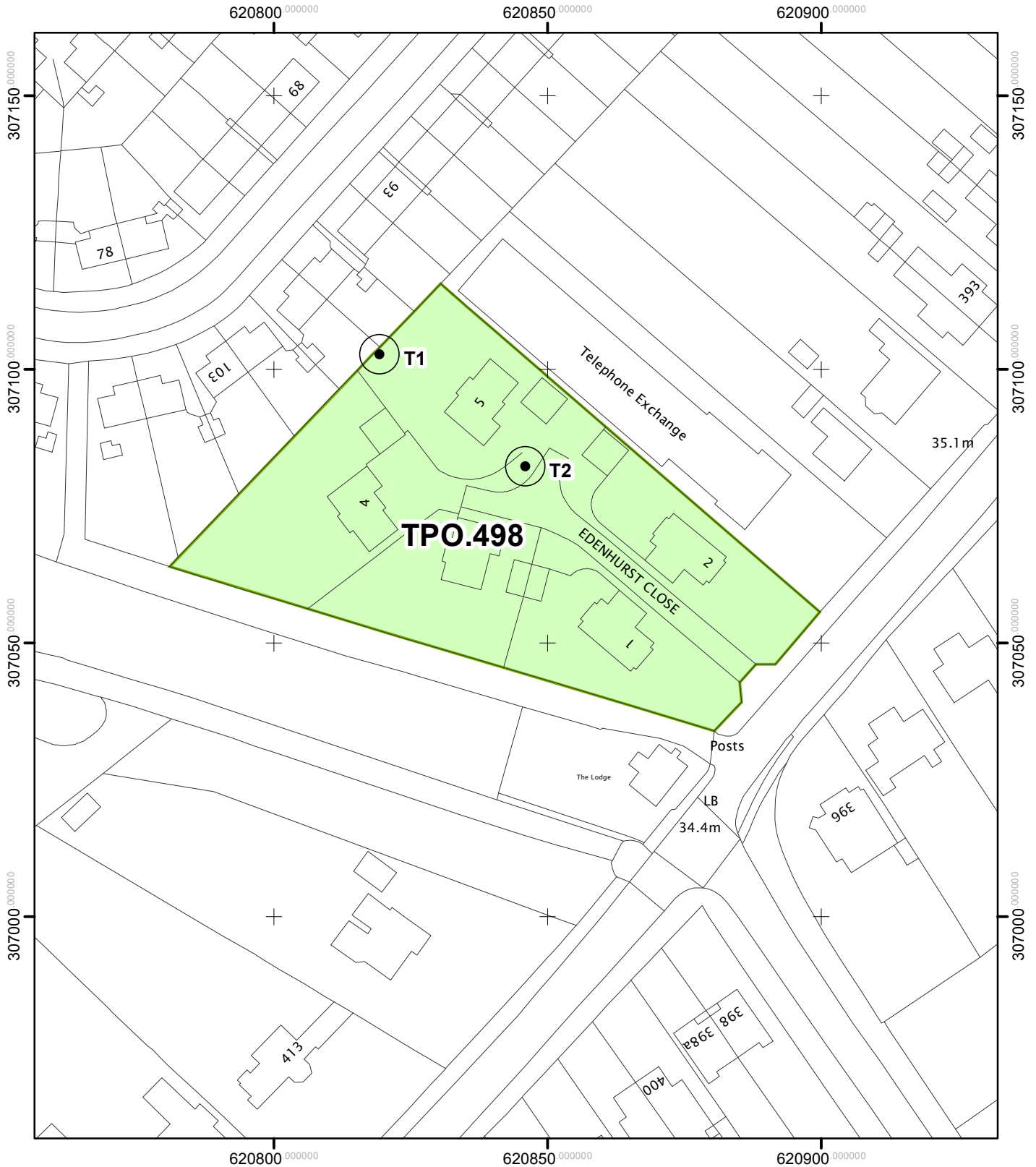
4(g)

Reason for referral Objections to confirmation of tree preservation order 498

Ward:	Nelson
Case officer	Stephen Hayden – tree consultant for Norwich City Council t: 07850 167400

Proposal		
To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 498; 5 Edenhurst Close, Norwich, NR4 7QT without modifications		
Representations		
Object	Comment	Support
3		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	26 September 2016
Recommendation	Confirm TPO 497 without modifications



PLANNING SERVICES

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

Date : 22/03/2016

Scale : 1:1,000

Drawn by : SRB



Introduction

1. The mature Sycamore tree is situated on the north west boundary of the rear garden of 5 Edenhurst Close, Norwich NR4 7QT and forms an integral part of skyline landscape feature created by the trees along the north western boundary of Edenhurst Close.
2. The location of the trees is shown on the attached plan
3. The tree is owned by 5 Edenhurst Close
4. Tree Preservation Order No 498 was served on the tree on 29 March 2016.

The site, surroundings and content

5. The tree forms part of a line of mature trees on the boundary between the Edenhurst Close and properties on Buckingham Road. The tree is an integral part of this important skyline landscape feature.
6. Following receipt of a section 211 notification on 25 February 2016 with regards to the proposed removal of the Sycamore T1 as part of a various tree works proposed at 5 Edenhurst Close, the trees were 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 22 for T1, Sycamore tree, which indicated that a Tree Preservation Order was defensible.

8. Tree Preservation Order [TPO], 2016. City of Norwich Number 498; 5 Edenhurst Place Norwich, NR4 7QT. The Order was provisionally in effect for 6 months from the date on which it was served, 29th March 2016.

Representations

9. Notice of the Order was served on the owners of the property and neighbouring properties. In response 3 letters of representation have been received objecting to the Order. Full details of these letters are available on request. The issues raised and the tree consultant's response are summarised below:

Representation	Response
<p>The trees are large parkland and falling debris is a cause for concern during high winds.</p>	<p>The tree is a large specimen close to the dwellings on Buckingham Road. However it is in good condition with only minor dead wood. The tree will need to be managed by the owners to ensure its future safety. It should be noted that the Tree Preservation Order is not served to prevent necessary works to trees, but to prevent unnecessary and detrimental works. In this respect the council will work with the applicant to ensure that permission is given for appropriate works to ensure this. Felling the tree is not considered a suitable or acceptable option.</p>
<p>Trees are overbearing and shade the gardens of the properties to the north, on Buckingham Road</p>	<p>This is a valid concern and given this the council would be willing to consider appropriate works to reduce shading to these dwellings. Such works should maintain the character of the tree(s) such as crown thinning. It should be noted that the tree forms part of a line of trees and such works should be considered for these if shading is to be reduced.</p>
<p>The amenity of the site would be improved by the removal and replanting of more appropriate species</p>	<p>Given the size and condition of the trees it is the officers' opinion that the removal and replacement of the tree would not improve the amenity of the site or surrounding area. The tree is an important landscape feature forming an integral part of the linear skyline landscape feature between Buckingham Road and Edenhurst Close.</p>
<p>The tree has a limited life expectancy</p>	<p>Whilst no figure is given to quantify limited, life expectancy it is the opinion of the Officer that the tree has at least 40 years remaining life and therefore is worthy of protection in its present form.</p>

Main issues

Issue 1

10. The loss of a mature Sycamore 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 contribute to providing a healthy food chain that is of benefit to birds and mammals.
14. The tree is located in close proximity of 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.
15. 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

16. The objections to the Order have been taken note of and whilst officers appreciate the concerns raised it is their opinion that the trees in question make a positive environmental contribution and have sufficient amenity value to validate their continued protection by the confirming of the Tree Preservation Order. However officers do appreciate the potential nuisance the trees may cause and are willing to work with the owner of the trees to secure appropriate tree works to reduce any potential nuisance through good management.

Recommendation

To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 498; 5 Edenhurst Close, Norwich, NR4 7QT 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 498, 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 498, 5 Edenhurst Close, Norwich, NR4 7QT

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 29th Day of March 2016

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




.....

Authorised by the Council

SCHEDULESPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on Maps	Description	Situation
T1.	Sycamore tree	In the back garden of 5 Edenhurst Close, Norwich, NR4 7QT Grid ref – 620819 : 307103
T2.	Scots Pine	At the front of 5 Edenhurst Close, Norwich, NR4 7QT Grid ref – 620846 : 307082

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

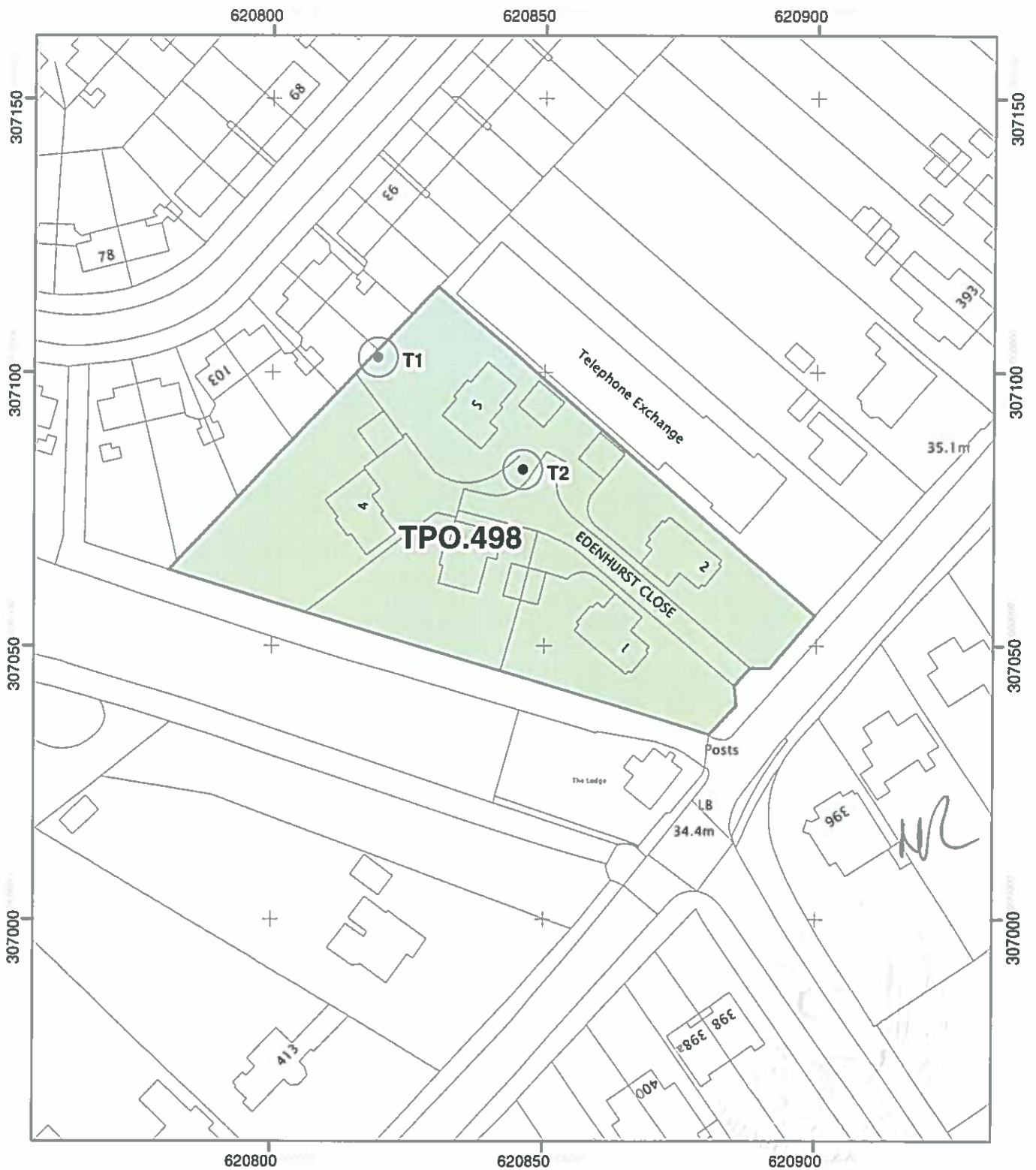
Reference on Map	Description	Situation
None.		

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		



PLANNING SERVICES

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

Date : 22/03/2016

Scale : 1:1,000

Drawn by : SRB



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 498

ADDRESS 5 Edenhurst Close Norwich NR4 7QT

THIS IS A FORMAL NOTICE to let you know that on **29th March 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 protect the amenity of the area in response to notification of intention to fell a Sycamore and a Scots Pine*

[The Order took effect, on a provisional basis, on **29 March 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 **30 April 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 **29th March 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: 1/3/16 Surveyor: SH

Tree details
 TPO Ref (if applicable): _____ Tree/Group No: TI Species: Sycamore
 Owner (if known): _____ Location: _____

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO

- 5) Good Highly suitable
- 3) Fair/satisfactory Suitable
- 1) Poor Unlikely to be suitable
- 0) Dead/dying/dangerous* Unsuitable

Score & Notes
Mature tree good cond 5

* Relates to existing context and is intended to apply to severe irremediable defects only

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

Score & Notes
Mature tree 40-100 4

* 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

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
Large tree with HVA 4

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
Part of sycamore tree but 4

13

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
5 (Sec 2U) Fed.

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:
22

Decision:
TPO!