

Report to	Planning applications committee	Item
	8 November 2012	
Report of	Head of planning service	6(14)
Subject	Tree preservation order no. 456; confirmation.	

Purpose

For planning applications committee to consider whether or not to confirm Tree Preservation Order[TPO], 2012. City of Norwich Number 456; The Walnuts, Branksome Road, Norwich, NR4 6SR.

Recommendation

To confirm TPO no. 456 with modifications.

Corporate and service priorities

The report helps to meet the corporate priority 'City of character and culture' and the service plan priority to manage the development of the city through effective planning and conservation management

Financial implications

None

Ward: Eaton

Cabinet member: Councillor Bremner – Environment and development

Contact officers

Mike Volp, tree protection officer 01603 212546

Sally Ward, senior landscape architect 01603 212766

Background documents

Copy of provisional TPO no. 456 document.
Copy of provisional TPO no. 456 plan.
Copy of provisional TPO no. 456 notice.
Copy of provisional TPO no. 456 accompanying letter.
Copy of modified TPO no. 456 document.
8 no. letters of support
3 no. letters of objection

Report

Introduction

1. Central government guidance recommends that Local Planning Authorities keep their tree preservation orders under review.
2. Tree Preservation Order No 456 was served as part of the Councils review process. It consolidates and updates two existing tree preservation orders on The Walnuts, Branksome Road, by amalgamating them into one new document. The new order includes those trees which still exist on site and are subject to the earlier orders (tree preservation order no. 5 – 1964, and tree preservation order no.335 – 1999) plus some additional trees that have since established within the landscape and now contribute to the local amenity.
3. If TPO 456 is confirmed TPO No 5 & TPO No 335 will be revoked in order to conclude the TPO review process for this site.
4. Objections to this Order have been made by:-
 - Ms Gertrude Pike – 24 The Walnuts
 - Mrs PJ Molyneux – 25 The Walnuts
 - Mr. & Mrs. Pulham – 10 Branksome Close
5. Letters in support of this order have been made by:-
 - Mr B Howlett – 26 The Walnuts
 - Dr. B Lund – 8 The Walnuts
 - Ms M Harrison – 21 The Walnuts
 - Ms B Andrews – 28 The Walnuts
 - Ms. N Ward – 18 The Walnuts
 - Ms AH Powell – 29 The Walnuts
 - Sue & Chris Mitchell – 2 The Walnuts

Full details of these letters are available on request

Summary of objections

6. The objections are summarised below:

There was no prior discussion with the residents.	The serving of TPO 456 in order to review, rationalise and update the existing TPO cover was done with the knowledge of The Walnuts Residents Association. Interested parties can object and have objected to the serving of the Order.
There is no explanation of the decision to make the Tree Preservation Order.	The explanation of the decision to serve the Order was stated in the Notice and the letter that accompanied the Order when it was served in June 2012.
Was a right to light and air taken into consideration?	There is no right to light or air in respect to trees. Trees actively improve air quality locally.
The number of trees in the area is excessive.	The number of trees serves to enhance the setting of The Walnuts housing complex.
T4. does not directly affect those residents in favour of the Order.	Tree Preservation Orders are served in order to ensure that all the accrued benefits of those trees may be enjoyed by the wider public.
T4. reduction of light and sun warmth to adjacent house due to its proximity.	The tree is a Silver birch, one of the more delicately leaved species and as such is very suitable for such a setting and, at a 12mtr. distance from the property that is the focus of this particular objection, it is unlikely that there is any great detriment in terms of sun warmth or light obstruction.
Leaves block gutters.	There are proprietary products on the market that can help prevent the build up of leaf fall in gutters.
Pathway slippery in wet weather.	There is no identified direct causal link between the wet pathways and the trees.

Excessive moss on roof slopes.	There is no identified direct causal link between moss on roof tiles and the trees.
Detrimental effect on property resale value	Research has shown that properties in well treed areas benefit from a related increase in property values.
The description of G4 is inaccurate.	The description of G4 has been revised and the Order modified accordingly.
Cotoneasters are not trees, they overhang the adjacent garden and restrict its cultivation and affect the growth of apple trees there requiring annual trimming back of the overhanging branches.	The Order has been modified to exclude the tree Cotoneasters.
The Douglas firs in G4. are potentially unsafe.	All the trees on site are regularly inspected and any safety issues addressed by appropriate tree works.
Now that the Douglas firs are subject to the tree preservation order there is concern that the tree contractors who usually carry out the tree work will be reluctant to carry out any pruning thus increasing the risk of personal injury.	The Douglas firs have been the subject of a TPO since before the Walnuts was built. A TPO is not an impediment to good arboricultural management; on the contrary good management is encouraged. Any tree that becomes dangerous is exempt from the need to gain permission to carry out works necessary to make the tree safe.

Conclusion

- Objections to the order have been taken note of and where appropriate the order has been modified. Confirmation of this order will simplify and rationalise the documentation.

THE CITY COUNCIL OF NORWICH

FORM OF TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990

THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 456, 2012

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, 2012
City of Norwich Number 456; The Walnuts, Branksome Road, Norwich,
NR4 6SR.

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 15th June
two thousand and twelve.

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

.....

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	Catalpa	In the green space flanked by nos. 1-13 The Walnuts.
T2	Walnut	In the green space opposite the rear of nos 14 & 15 The Walnuts.
T3	Robinia	In the verge adjacent to the boundary with 23-25 Newmarket Road.
T4	Silver Birch	In the green space flanked by nos. 17-29 The Walnut ; towards the north eastern end of the central grassed area.
T5	Oak	In the grassed area in the easternmost corner of the Walnuts.
T6	Birch	In the border to the rear of 27-29 The Walnuts, adjacent to the boundary with 16 Branksome Close.
T7	Oak	In the green space to the frontages of 14-16, and to the rear of 9-10 The Walnuts

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

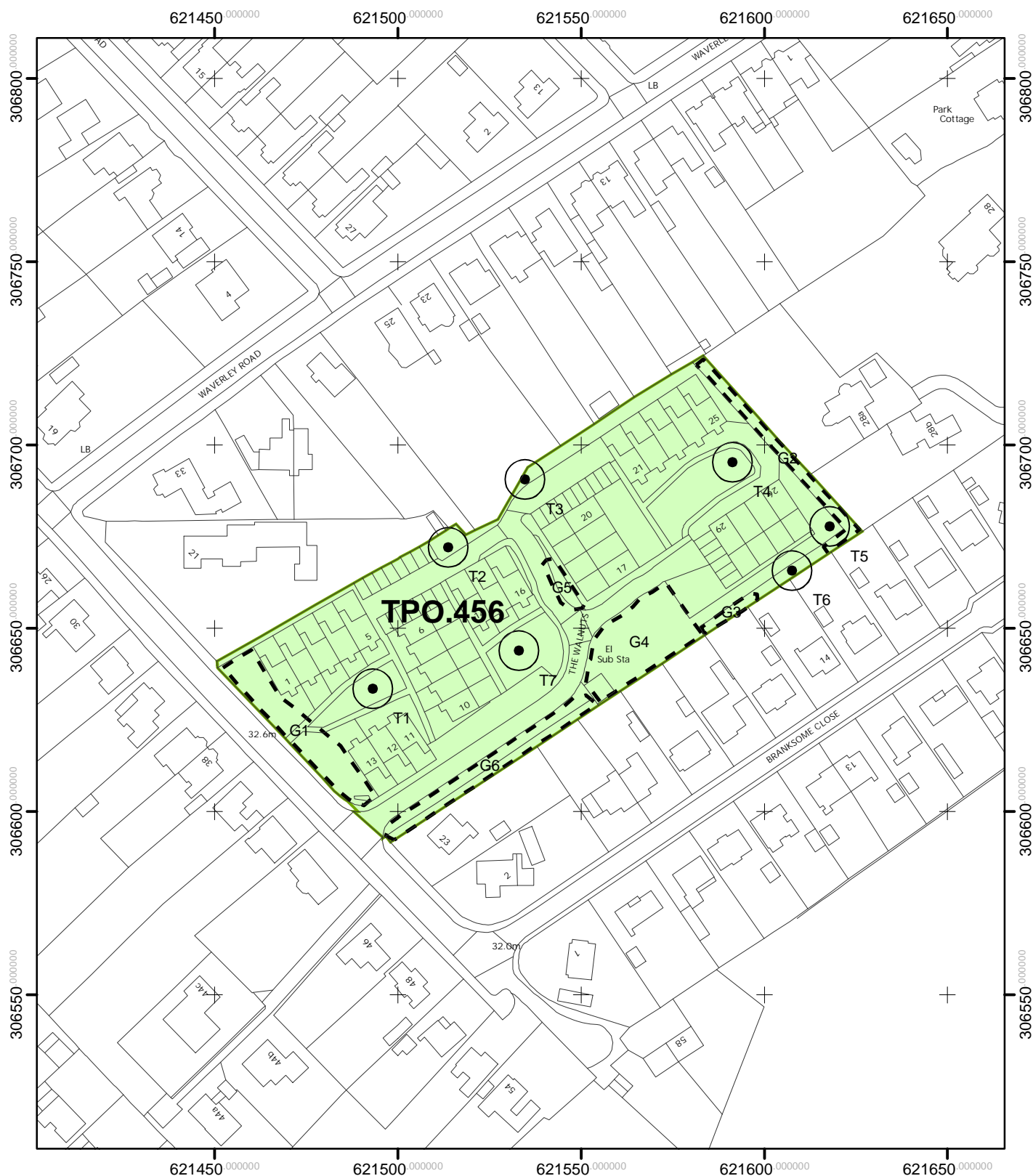
Reference on Map	Description	Situation
G1	7 no. Douglas Firs 2 no. Pine 4 no. Silver Birch	In the belt of green space along the south western boundary, along Branksome Road.
G2	6 no. Douglas Firs	In the border along the north eastern party boundary with nos. 26a & 26b Eaton Road.
G3	2 no. Douglas Firs 1 no. Holly Oak 4 no. tree Cotoneasters 1 no. Holly	In the border on the south eastern boundary with 12-14 Branksome Close.
G4	1 no. Pine 1 no. Douglas Fir 2 no. Walnuts 1 no. tree cotoneaster 3 no. Liquidambar 1 no. Oak 2 no. Horse chestnut 1 no. Cherry	In the green space adjacent to the electric substation and adjacent to 6-10 Branksome Close.
G5	2 no. Laburnum 1 no. Robinia	In the verge to the rear of 17-19 The walnuts
G6	2 no. Western red cedars 13 no. Douglas firs 1 no. Pine	In the border to the south east, adjacent to the boundary with nos. 4-6 Branksome Close & no. 23 Branksome Road.

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 12/06/12

Scale 1:1,500

Drawn by SB

