

Report to Planning applications committee

Item

10 November 2016

Report of Head of planning services

Subject Tree Preservation Order [TPO], 2016. City of Norwich Number 511; Land to rear of 1-9 Boot Binders Rd, Norwich, NR3 2DT, and no.s 2-28 Clickers Rd, Norwich, NR3 2DD.

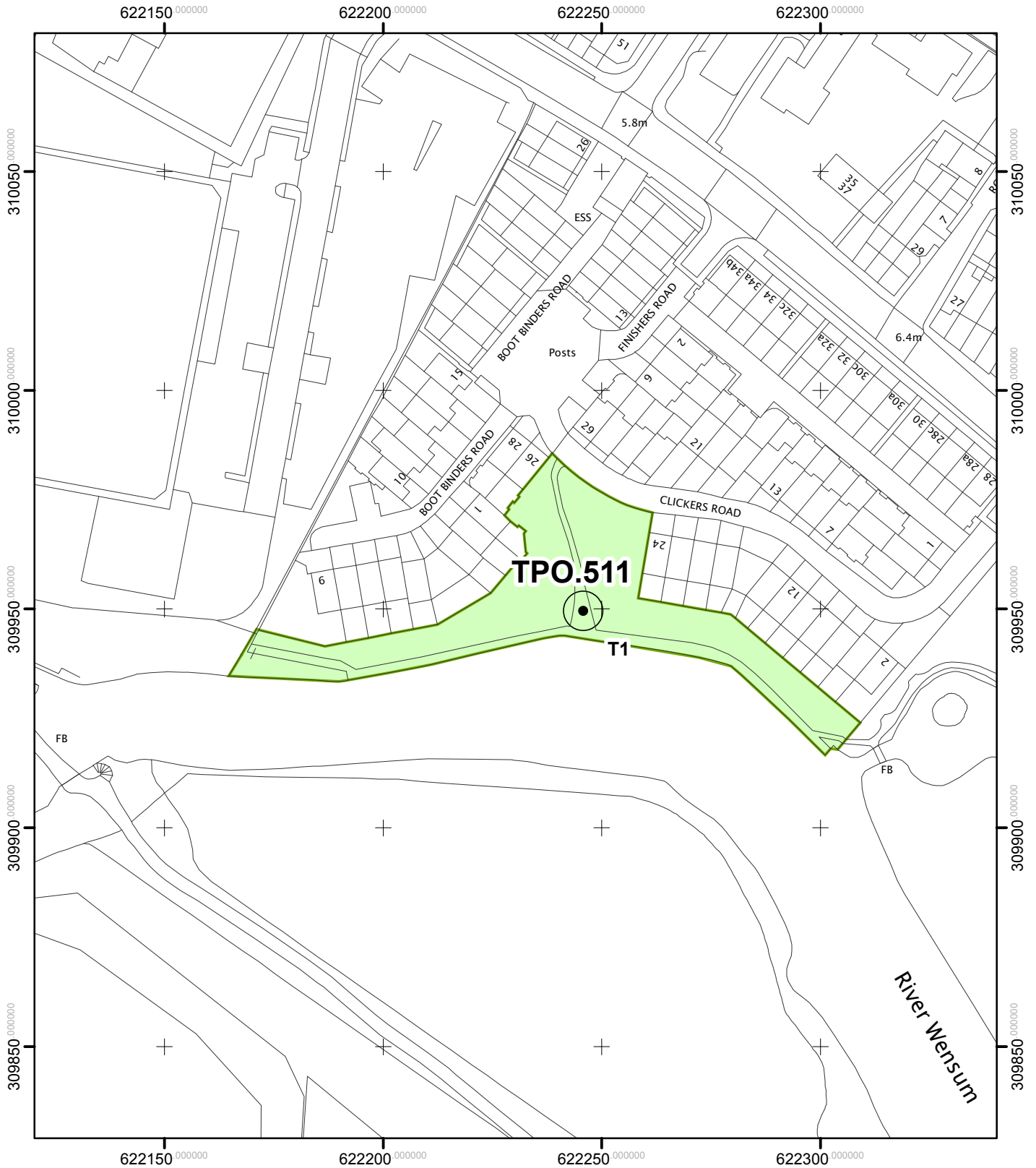
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Reason for referral Representations for, and objections to confirmation of Tree Preservation Order 5011.

Ward:	Mile Cross
Case officer	Mark Dunthorne, Arboricultural officer

Proposal		
To confirm Tree Preservation Order 2016, City of Norwich Number 511, Land to rear of 1-9 Boot Binders Rd, Norwich, NR3 2DT, and no.s 2-28 Clickers Rd, Norwich, NR3 2DD. without modifications		
Representations		
Object	Comment	Support
1	0	1

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
3 Biodiversity & wildlife	Trees aid biodiversity and wildlife
TPO Expiry date	26 January 2017
Recommendation	Confirm TPO 511 without modifications



PLANNING SERVICES

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

Date : 12/07/2016

Scale : 1:1,250

Drawn by : SRB



Introduction

1. The semi-mature willow tree is situated on a pathway next to the river, between the properties on Boot Binders Road and Clickers Road. It is a prominent feature in the landscape, contributing to the amenity of the area and having a positive effect on the local environment.
2. The location of the tree is shown on the attached plan.
3. Tree Preservation Order No 511 was served on 26 July 2016, following a request by a resident, who was concerned about trees in the area being damaged by unauthorised pruning.

The site, surroundings and content

4. Boot Binders Road and Clickers Road consist of residential properties. The visual character and feel of the location is a pleasant, riverside area with communal gardens consisting of lawns, shrub beds, and trees.
5. A request to place a TPO (tree preservation order) on three trees located in the area was received by the council. A Field maple, alder and willow.
6. The council's arboricultural officer visited the site, and assessed the trees 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

Only the willow scored sufficiently to warrant TPO status, with a score of 14. The alder and field maple did not attain the required score to merit TPO status, due to poor form and shortened lifespans, as a result of large wounds created by very poor pruning.

7. City of Norwich, no. 511 Tree Preservation Order, 2016: Land to rear of 1-9 Boot Binders Rd, Norwich, NR3 2DT, and no.s 2-28 Clickers Rd, Norwich, NR3 2DD was served on 26 July 2016. The Order is provisionally in effect for 6 months from the date on which it was served.
8. During this period the council gives consideration as to 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 trees covered by the Order. The council received one objection, and one letter of support for TPO 511.

9. The council's standing orders require that when an objection to an Order is received a report must be presented to planning committee before the Order is confirmed.
10. Notice of the new Order (along with a letter of explanation) was served on the owner of the property, on the neighbouring properties and on interested parties.

Representations

11. The letter of objection was received from Mr. Unwin of 3 Boot Binders Rd. The letter of support was received from Mr. Reynolds of the Wensum Park View Management Committee. Full details of these letters are available on request. The issues set out in the objection letter and the responses from the tree officer are summarised below:

	Representation	Response
11.1	Loss of river view. <i>'the idea of living in this location is to enjoy the view of the river and wildlife'.</i>	The tree is located in an open area, 'between' Boot Binders Road and Clickers Road. There are no properties situated directly behind the tree, and it does not impede the view of the river for the majority of residents.
11.2	The 'wrong' tree was planted. <i>"The tree in question was originally intended to be a golden willow, this tree could be classed as a weed'.</i>	There is no significant difference between a golden willow and weeping willow. The serving of the TPO is not concerned, and/or affected by, what was originally intended to be planted. The tree in question is not classed as a weed.
11.3	<i>'The drains for all these properties are within 35 ft of this tree which is another potential problem that could arise in the future'</i>	Tree roots will only exploit existing defects in pipework (cracks, open joints etc), they will not penetrate a sound, intact structure. Direct damage may only occur if the drain is in extremely close proximity to the stem of the tree. (No service plans identifying the location of the drains has been supplied.) Whilst this may be a concern, no evidence of damage has been supplied, and the argument for this objection it is considered immaterial.

Main issues

Issue 1

12. Unauthorised pruning work to an alder and field maple in the area has left them with poor form. It has had an impact on their health, detrimentally affecting their visual amenity, value, and future life expectancy. The threat of unauthorised work to this willow tree can be addressed by the confirmation of the TPO.

Issue 2

13. 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

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

Issue 4

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

Conclusion

16. 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 makes a positive environmental contribution and has sufficient amenity value to validate its continued protection by the confirming of the Tree Preservation Order.

Recommendation

17. To confirm Tree Preservation Order [TPO], 2016. City of Norwich Number 511; Land to rear of 1-9 Boot Binders Rd, Norwich, NR3 2DT, and no.s 2-28 Clickers Rd, Norwich, NR3 2DD. 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 511 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 511, Land to rear of nos 1-9 Boot Binders Road Norwich NR3 2DT and nos 2 to 28 (evens) Clickers Road Norwich NR3 2DD

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.

SCHEDULE

Article 3

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on Maps	Description	Situation
T1.	Willow Tree	Land to rear of nos 1-9 Boot Binders Road and 2 – 28 (evens) Clickers Road on North side of the River Wensum Grid ref 622245 : 309950

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 (as amended).

TOWN & COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012

TREE PRESERVATION ORDER 2016

THE CITY COUNCIL OF NORWICH NUMBER 511

ADDRESS: Land to rear of 1-9 Boot Binders Road, Norwich NR3 2DT and Nos 2-28 (evens) Clickers Road Norwich NR3 2DD

THIS IS A FORMAL NOTICE to let you know that on **26 July 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

[The Order took effect, on a provisional basis, on **26 July 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 **23 August, 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 **26th July 2016**.

Signed



Mark Dunthorne
Arboricultural Officer
City Hall, Norwich NR2 1NH
Tel: 01603 212426
Email: Markdunthorne@norwich.gov.uk

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: 16/6/16	Surveyor: MD
Tree details	
TPO Ref (if applicable): WILSON PARK	Tree/Group No:
Owner (if known): JHW	Species: willow
	Location:

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

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

Score & Notes	3
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* 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	4
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*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 |

Highly suitable
Suitable
Suitable
Barely suitable
Probably unsuitable

Score & Notes	4
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d) Other factors

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

- | | |
|--|---------------|
| 5) Principal components of arboricultural features, or veteran trees | Score & Notes |
| 4) Tree groups, or 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) | |

Score & Notes	1
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Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- | | |
|-------------------------------|---------------|
| 5) Immediate threat to tree | Score & Notes |
| 3) Foreseeable threat to tree | |
| 2) Perceived threat to tree | |
| 1) Precautionary only | |

Score & Notes	2
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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:	14
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Decision:	
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TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 16/6/16 Surveyor: MD.

Tree details
 TPO Ref (if applicable): WASUM Park Tree/Group No: _____ Species: ALDER
 Owner (if known): UN Location: _____

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

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

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

Score & Notes
1 Topped!

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
2 REDUCED DUE TO 'PRUNING'

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
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes
4

d) Other factors

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

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or 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)

Score & Notes
1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
2

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:
10

Decision:

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 10/6/16 Surveyor: MD -

Tree details
 TPO Ref (if applicable): W.P.U. Tree/Group No: Species: FLYING MAPLE
 Owner (if known): Location:

REFER TO GUIDANCE NOTE FOR ALL DEFINITIONS

Part 1: Amenity assessment

a) Condition & suitability for TPO; where trees in good or fair condition have poor form, deduct 1 point

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

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

Score & Notes
 1 LARGE WOUNDS /
 POOR PRUNING.

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
 2 REDUCED LIFESPAN
 DUE TO WOUNDS.

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
- 4) Large trees, or medium trees clearly visible to the public
- 3) Medium trees, or large trees with limited view only
- 2) Young, small, or medium/large trees visible only with difficulty
- 1) Trees not visible to the public, regardless of size

- Highly suitable
- Suitable
- Suitable
- Barely suitable
- Probably unsuitable

Score & Notes
 4

d) Other factors

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

- 5) Principal components of arboricultural features, or veteran trees
- 4) Tree groups, or 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)

Score & Notes
 1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify.

- 5) Immediate threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only

Score & Notes
 2

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:
 10

Decision: