

Report to Planning applications committee

Item

08 February 2018

Report of Head of planning services

4(h)

Subject Tree Preservation Order [TPO], 2017. City of Norwich
Number 527; 137 Plumstead Road, Norwich, NR1 4JT

Reason for referral Representations for, and objections to, confirmation of
Tree Preservation Order 527

Ward: Crome

Case officer Mark Dunthorne, arboricultural officer markdunthorne@norwich.gov.uk

Proposal		
To confirm Tree Preservation Order 2017, City of Norwich Number 527, 137 Plumstead Rd, Norwich, NR1 4JT without modifications.		
Representations		
Object	Comment	Support
1	0	0

Main issues:	Key considerations:
1 Amenity	Impact on street scene. Level of amenity for residents of this 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	21 March 2018
Recommendation	Confirm TPO 527 without modifications



PLANNING SERVICES

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

Date : 20/09/2017

Scale : 1:1,000

Drawn by : DB



Introduction

1. This order was served in response to a request from the resident at 137 Plumstead Rd. The resident was moving house and was concerned that, whoever moved in, may remove a large, mature oak tree in the rear garden.
2. The location of the tree is shown on the attached plan.
3. In accordance with government guidance, when a property changes ownership, it may be expedient to consider serving a TPO as a precautionary measure.

The site, surroundings and content

4. The council's arboricultural officer visited the site and assessed the tree using the nationally recognised 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	Definitely merits TPO

5. The assessment resulted in a score of 14 for the tree, indicating that a Tree Preservation Order was defensible. City of Norwich, no. 527 Tree Preservation Order, 2017: 137 Plumstead Rd, NR1 4JT was served on 21 September 2017.
6. Tree Preservation Order No 527 is provisionally in effect from 21 September 2017, until the 21 March 2018, 6 months from the date on which it was served.
7. 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.
8. The council's scheme of delegation requires that when an objection to an Order is received, a report must be presented to planning committee before the Order is confirmed.
9. 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

10. Full details of the representations are available on request. The issues set out in the objection, and the responses from the arboricultural officer are summarised below:

Representation	Response
<p>The tree is in the heart of a residential area. There is no threat to the tree from development, or threat from neglect.</p>	<p>There may be no threat to the tree from development, or neglect, at present, but in accordance with government guidance, when there is a change of property ownership, as is the case in this instance, it may be expedient to serve a TPO.</p>
<p>Inappropriate to preserve a tree of this scale and size in a residential area. It poses a safety risk to neighbouring properties. Objector has had work carried out to the tree in the past and would like to be able to do so in the future without the need to gain consent.</p>	<p>The size/scale of this tree (and its public visibility) was a relevant factor in assessing it's suitability for a TPO.</p> <p>There were no safety issues identified at the time of the assessment.</p> <p>A TPO does not stop works being carried out, it merely prevents inappropriate work.</p> <p>Gaining consent to carry out any future work to the tree is not considered an onerous process, but a reasonable duty, given the benefits the tree affords.</p>
<p>Dead branches dropping off, creating a health and safety hazard.</p>	<p>A TPO does not stop works being carried out, it merely prevents inappropriate work.</p> <p>Removing deadwood is exempt, and does not require notice to be given to, or consent received from, Norwich City Council.</p>
<p>Inconsistent to serve a TPO on this tree, as other trees in the area are not protected.</p>	<p>The council adopts a consistent approach to serving TPOs in accordance with the Department for Communities and Local Government Planning practice guidance, and the Tree Evaluation Method for Preservation Orders (TEMPO). We do not assess all trees within the Norwich City Council boundary with a view to serving TPOs, only those that meet the criteria set out within the above guidance.</p>

Main issues

Issue 1

11. The potential loss of a mature, healthy tree, which is in good condition and highly visible to residents in the area. TPO status will help to ensure its future retention for the benefit of the vicinity.

Issue 2

12. The potential 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

13. Trees have a positive effect on air quality by cutting levels of airborne particulates and removing air pollutants.

Issue 4

14. Trees enhance biodiversity by providing habitats for a variety of species, thereby contributing to providing a healthy food chain that is of benefit to birds and mammals.

Conclusion

15. The objections to the Order have been taken note of, and whilst officers appreciate the concerns raised, it is their opinion that the tree should be protected to ensure future retention. It makes a positive contribution to the amenity of the area, and has sufficient value to validate its continued protection by confirming the Tree Preservation Order.

Recommendation

16. To confirm Tree Preservation Order [TPO], 2017. City of Norwich Number 527; 137 Plumstead Rd, NR1 4JT, without modifications.



Please ask for:

5 Interested Parties

Mark Dunthorne
Arboricultural Officer (TPO)
Tel: 01603 212426
Email: planning@norwich.gov.uk
Date: 21 September 2017
Our reference: 17/00527/TPO
Please quote this when contacting us.

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990 (as amended).
TOWN & COUNTRY PLANNING (Tree Preservation) (England) REGULATIONS 2012

CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 527

Location: 137 Plumstead Road Norwich NR1 4JT

Description: Tree Preservation Order, 2017 City of Norwich Number 527, 137 Plumstead Road Norwich NR1 4JT

I enclose a formal notice advising you that the Council has made a Tree Preservation Order at the above address. It is necessary for me to notify the owner/occupier of the land in question and any other adjoining residents and interested parties of the making of the order. A copy of the Order is enclosed.

As you will see from the Notice, you may make written representations or objections in respect of the Order within a period of 28 days from the serving of this Notice. Any objections should be sent to the case officer named above to planning@norwich.gov.uk or the address below. Please be aware that your comments (including your name and address) will be available as public information. Therefore, please do not include any sensitive information and you may choose to provide your comments as an attachment if corresponding by email and exclude your signature.

I would be most grateful if you could give me the name and address of any other person(s) you know who may have an interest in the premises which belong to or are associated with you.

Yours sincerely

Mark Dunthorne
Tree Protection Officer
Norwich City Council



NORWICH
City Council

Please ask for:

Mark Dunthorne

Arboricultural Officer (TPO)

Tel: 01603 212426

Email: planning@norwich.gov.uk

Date: 21 September 2017

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 2017

THE CITY COUNCIL OF NORWICH NUMBER 527

ADDRESS:

137 Plumstead Road
Norwich
NR1 4JT

DESCRIPTION: Tree Preservation Order, 2017 City of Norwich Number 527, 137 Plumstead Road Norwich NR1 4JT

DATE: 21 September 2017

THIS IS A FORMAL NOTICE to let you know that on 21 September 2017, 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. More information on Tree Preservation Orders can be found on the government's Planning Practice Guidance website:

<http://planningguidance.communities.gov.uk/blog/guidance/tree-preservation-orders/>

The Council has made the Order to protect the amenity of the area.

The Order took effect, on a provisional basis, on 21 September 2017. 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 20 October 2017 (28 days after the date of the notice). 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. Please send any comments by email to **planning@norwich.gov.uk** or 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 officer named above.

Yours sincerely

A handwritten signature in black ink that reads "G. Nelson". The signature is written in a cursive style with a large initial "G" and a long, sweeping underline.

Graham Nelson
Head of Planning Services

Copies of this letter have been sent to:

Name: The Owner/Occupier	Address: 24 Lloyd Road Norwich NR1 4LB
Name: The Owner/Occupier	Address: 26 Lloyd Road Norwich NR1 4LB
Name: The Owner/Occupier	Address: 139 Plumstead Road Norwich NR1 4JT
Name: The Owner/Occupier	Address: 135 Plumstead Road Norwich NR1 4JT
Name: [REDACTED]	Address: 137 Plumstead Road Norwich NR1 4JT

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.



NORWICH
City Council

FORM OF TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 527

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, 527
City of Norwich, 137 Plumstead Road Norwich NR1 4JT

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 21 September 2017

Signed on behalf of the City Council of Norwich:

A handwritten signature in black ink that reads "G Nelson". The signature is written in a cursive, flowing style.

Graham Nelson
Head of planning services

Authorised by the Council to sign in that behalf

SCHEDULE

Article 3
SPECIFICATION OF TREES

Trees specified individually (TREE)
(encircled in black on the map)

Reference on Maps	Description	Situation
T1	1 x Oak Tree	In rear garden.



PLANNING SERVICES

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

Date : 20/09/2017

Scale : 1:1,000

Drawn by : DB



TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date:	6/9/17	Surveyor:	M.D.	137	RUMBLE RD.
Tree details		TPO Ref (if applicable):	Tree/Group No:	Species:	
Owner (if known):			Location:		OAK

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	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	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 |

- | | |
|---------------------|---------------|
| Highly suitable | Score & Notes |
| Suitable | 3 |
| Suitable | |
| Barely suitable | |
| Probably unsuitable | |

Score & Notes	3
---------------	---

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

Score & Notes	1
---------------	---

CHANGE OF OWNERSHIP.

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
-----------------------	----

Decision:	TPO
-----------	-----