

Report to Planning applications committee

Item

14 December 2017

Report of Head of planning services

Subject Tree Preservation Order [TPO], 2017. City of Norwich Number 526; To the front of North Earham Stores, 308 Bowthorpe Road, Norwich, NR5 8AB

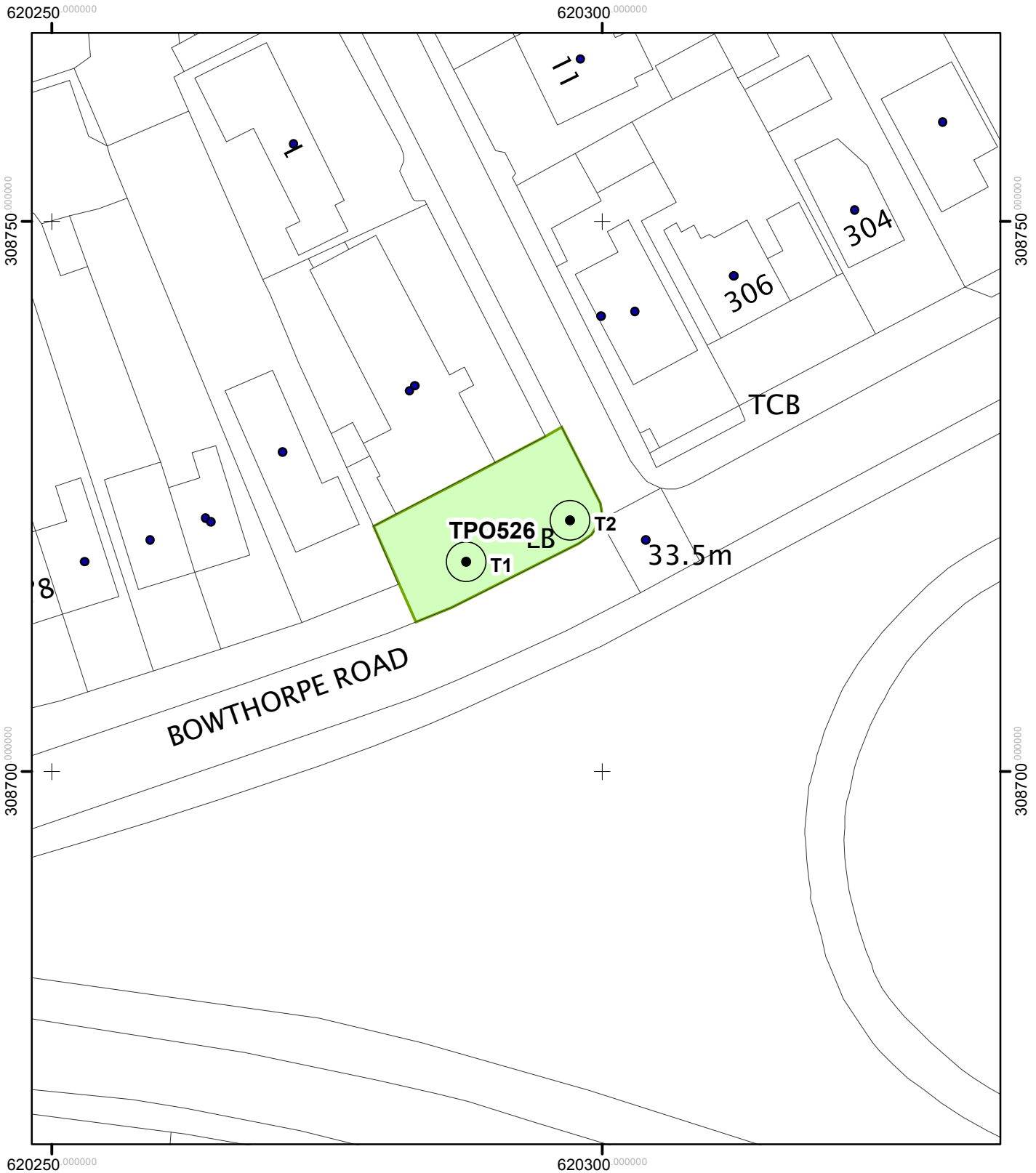
4(d)

Reasons for referral To consider representations received regarding the confirmation of the order.

Ward:	Wensum
Case officer	Imogen Mole, Lead arboricultural officer imogenmole@norwich.gov.uk

Proposal		
To confirm Tree Preservation Order 2017, City of Norwich Number 526, At the front of North Earham Stores, 308 Bowthorpe Road, Norwich, NR5 8AB without modifications		
Representations		
Object	Comment	Support
1	0	0

Main issues:	Key considerations:
1 Amenity	Impact on local residents Level of amenity for future occupiers
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	
Recommendation	Confirm TPO 526 without modifications



PLANNING SERVICES

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

Date : 11/07/2017

Scale : 1:500

Drawn by : SRB



Introduction

1. The two lime trees are situated on the highway at the front of the property at 308 Bowthorpe Road. They are prominent features of Bowthorpe Road forming a cohesive avenue of trees along the highway.
2. The location of the trees is shown on the attached plan.
3. The trees are publically owned and maintained by Norwich City Council.
4. Tree Preservation Order No 526 was served on the trees following an application to remove the trees and ongoing correspondence from the owner of North Earlham Stores, 308 Bowthorpe Road.

The site, surroundings and content

5. The trees are a planned avenue of highways trees. The avenue stretches from the junction of Earlham Green Lane across the ring road at Guardian Road to outside the community hospital, approximately 1,170m of continuously tree lined road.
6. The owner/occupiers of 308 Bowthorpe Road applied to the council on 28 November 2016 requesting that the trees be felled as they were concerned about customers safely parking and that the street lights were ineffective. They were advised that there would be a 4 to 6 month wait for a tree inspection. The inspection was carried out on 6 June 2017 and a letter of “no work recommended” was sent to the owner/occupiers of 308 Bowthorpe Road on 19 June. This letter explained the reasons for the owner’s request to fell the trees did not comply with council policy. Therefore the council would not be felling the trees. Further correspondence with the owner/occupiers of 308 Bowthorpe Road has given rise to concern that the trees are under a perceived threat and therefore in this circumstance a TPO is considered to be expedient.
7. The council’s arboricultural officer 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 each of the lime trees which indicated that a Tree Preservation Order was defensible.

8. Tree Preservation Order, 2017 City of Norwich Number 526, Land in front of 308 Bowthorpe Road, Norwich NR5 8AB was served on the two lime trees on 12 July 2017. The Order was provisionally in effect for 6 months from the date on which it was served.

9. Tree Preservation Order No 526 was provisionally in effect from 12 July 2017 until the 12 January 2017, 6 months from the date on which it was served.
10. 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 to TPO 526.
11. 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.
12. 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

13. One letter of representation has been received in response to the serving of Order No 526.
14. The letter of objection to the Order was received by the owners of 308 Bowthorpe Road.
15. Full details of this letter are available on request. The issues set out in the letters and the responses from the tree consultant are summarised below:

Representation	Response
Driver cannot see the road whilst pulling out, which causes conflict for the driver to get a view of the road, which is a health and safety risk	Tree lined roads have been proven to slow traffic speeds and increase road safety. The trees do partially obstruct the view along the road encouraging a cautious exit.
Drainage issue, Unable to drain water due to fallen leaves blocking the drainage which in advance causes substantial puddles, which are a health risk and people have slipped before.	Clearing fallen leaves is part of general maintenance expected to be undertaken by residents. The council also undertakes a leaf clearance programme in this area on an annual basis.
People park on the main road sometimes, which can cause more frequent overtaking occurring on the road which again increases the risk of accidents.	Dangerous parking is a police matter, cars obstructing the highway or footpath is not caused by the trees.

Representation	Response
The tree is not trimmed on a regular basis. This can also cause a conflict for the driver and make it harder for the vehicle to pull in and out on the road side..	The trees' basal growth is trimmed on an annual basis, Additional work to the basal cutting rounds was last carried out 06/2016 to remove low branches and deadwood.

Main issues

Issue 1

16. The loss of two large, mature trees which are in good condition and visible from Bowthorpe Road, Earlham Cemetery and Fieldview would impact negatively on the amenity of the area for local residents and for future occupiers.

Issue 2

17. The loss of these trees 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

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

Issue 4

19. 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

20. Objections to the Order have 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 significant amenity value to validate their continued protection by the confirming of the Tree Preservation Order.

Recommendation

21. To confirm Tree Preservation Order [TPO], 2017. City of Norwich Number 526;
Land In Front of 308 Bowthorpe Road, NR5 8AB without modifications.



Please ask for:

3 Interested Parties

Mark Dunthorne
Arboricultural Officer (TPO)
Tel: 01603 212426
Email: planning@norwich.gov.uk
Date: 12 July 2017
Our reference: 17/00526/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 526

Location: Land In Front Of 308 Bowthorpe Road Norwich NR5 8AB

Description: Tree Preservation Order, 2017 City of Norwich Number 526, Land In Front Of 308 Bowthorpe Road Norwich NR5 8AB

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: 12 July 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 526

ADDRESS:

Land In Front Of 308 Bowthorpe Road
Norwich
NR5 8AB

DESCRIPTION: Tree Preservation Order, 2017 City of Norwich Number 526, Land In Front Of 308 Bowthorpe Road Norwich NR5 8AB

DATE: 12 July 2017

THIS IS A FORMAL NOTICE to let you know that on 12 July 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 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 12 July 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 10 August 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 stylized "N".

Graham Nelson
Head of Planning Services

Copies of this letter have been sent to:

Name:	Address:
The Owner/Occupier	North Earlham Post Office 308 Bowthorpe Road Norwich NR5 8AB
Name:	Address:
The Owner/Occupier	308 Bowthorpe Road Norwich NR5 8AB
Name:	Address:
The Owner/Occupier	310 Bowthorpe Road Norwich NR5 8AB

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 526

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, 526
City of Norwich, Land In Front Of 308 Bowthorpe Road Norwich NR5 8AB

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 12 July 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
(encircled in black on the map)

Reference on Maps	Description	Situation
T1	1 x Lime	In front of 308 Bowthorpe Road

Reference on Maps	Description	Situation
T2	1 x Lime	In front of 308 Bowthorpe Road

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 27 Dec 17 Surveyor: Imogen Mole

Tree details: 308 Bowthorpe Rd TPO 526
 TPO Ref (if applicable):
 Owner (if known): NCCouncil Tree/Group No.: Species: Tilia xerupea
 Location: 308 Bowthorpe Road.

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^A Unsuitable

^A Relates to existing canopy and is intended to apply to score irreparable defects only

Score & Notes

5

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^A Unsuitable

^A Includes trees which are an existing or potential fire hazard, including those clearly overgrowing their context, or which are significantly negatively affecting the potential of other trees of better quality

Score & Notes

5

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

5

d) Other factors

Trees must have accrued 7 or more points with no other notes 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

4

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:

21

Decision:

TPO trees