

Report to Planning applications committee

Item

10 May 2018

Report of Head of planning services

Subject Tree Preservation Order [TPO], 2018. City of Norwich
Number 533; Churchyard, The Close, Norwich.

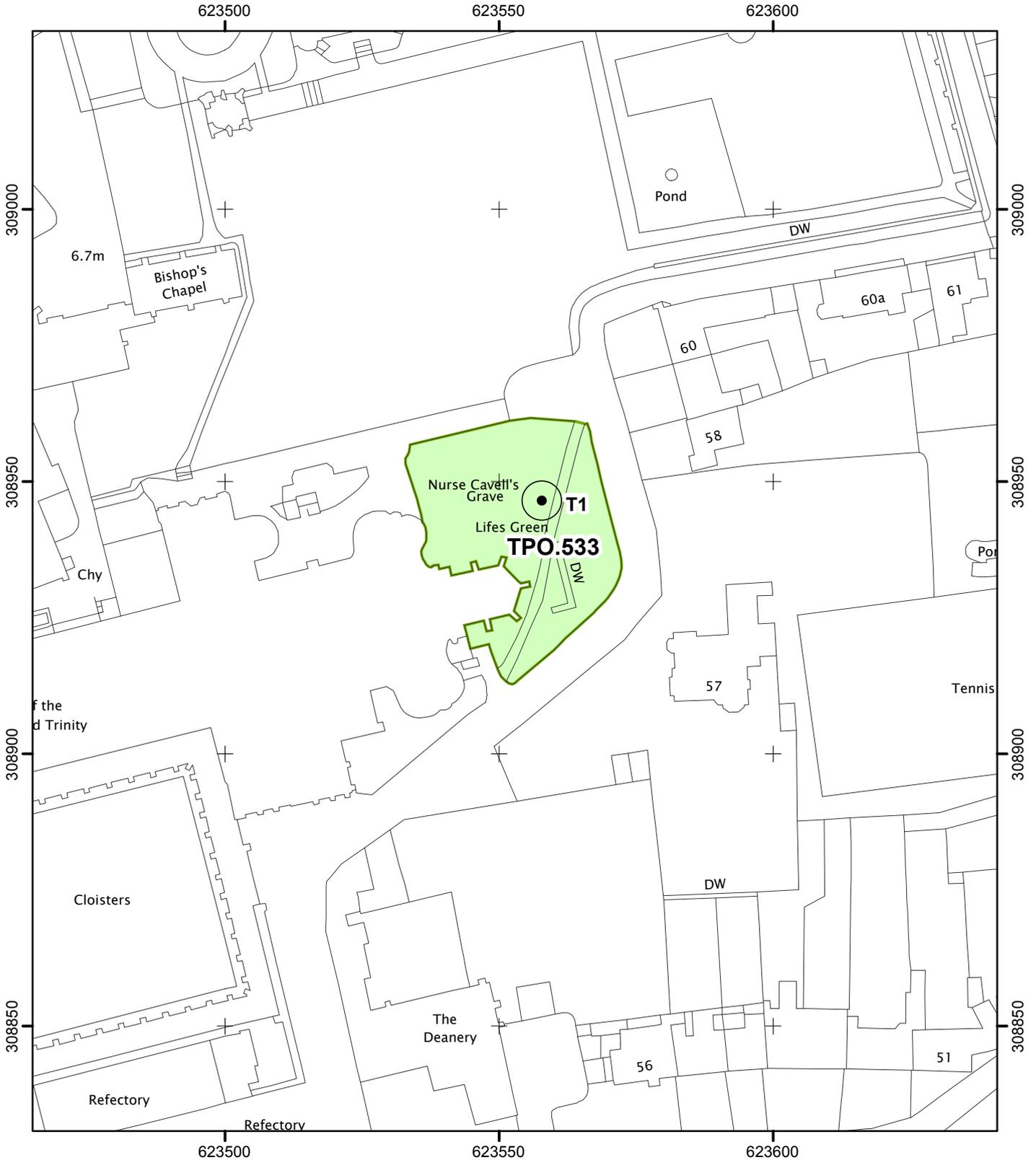
4(i)

Reason for referral Representations for, and objections to, confirmation of
Tree Preservation Order 533

Ward:	Thorpe Hamlet
Case officer	Mark Dunthorne,, email: markdunthorne@norwich.gov.uk

Proposal		
To confirm Tree Preservation Order 2018, City of Norwich Number 533, Churchyard, The Close, Norwich without modifications.		
Representations		
Object	Comment	Support
1	0	0

Main issues:	Key considerations:
1 Amenity	Level of amenity for residents of/visitors to, The Close.
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	15 July 2018
Recommendation	Confirm TPO 533 without modifications



PLANNING SERVICES

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

Date : 10/01/2018

Scale : 1:1,000

Drawn by : DB



Introduction

1. A conservation area application was received in December 2017, requesting consent to lift the crown of a mature cedar by approximately 2.5m from ground level.
2. The location of the tree is shown on the attached plan.

The site, surroundings and content

3. The cedar is a large, mature tree, situated at the eastern end of the cathedral. Incidents of anti-social behaviour have been occurring in the area, and the police have advised that improving sight lines (by removing the lower crown of the tree), would discourage this.
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 19 for the tree, indicating that a Tree Preservation Order was definitely merited. City of Norwich no. 533 Tree Preservation Order, 2018: Churchyard, The Close, Norwich, was served on 15 January 2018.
6. Tree Preservation Order no 533 is provisionally in effect from 15 January 2018, until the 15 July 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/comment.
8. 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.
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 representation are available on request.

11. The issues set out in the representation, and the responses from the arboricultural officer are summarised below:

Representation	Response
<p>The application was as a result of a request from a police crime prevention officer, and local residents, who felt the canopy of the tree provided a screen for anti-social behaviour. Removing the lower canopy, would discourage this.</p>	<p>The low canopy is a long-established, attractive feature of this significant tree. Its unique form enhances the public's appreciation of the tree (rather than just walking under the tree, users of the footpath are able to experience walking 'through' the tree). The proposed work will diminish this intimate relationship and will detract from the trees considerable amenity value.</p> <p>There is no arboricultural reason for the removal of structurally sound, healthy branches, and to address concerns regarding, what could be considered 'transitory' anti-social behaviour, by carrying out permanent and irreversible pruning to such a valuable tree, is considered inappropriate.</p>

Main issues

Issue 1

12. The negative impact of substantial limb removal on this mature, healthy tree. Permanent loss of its unique form will detract from its considerable amenity value and distinctiveness. TPO status will help to ensure this exceptional tree is retained in its current form.

Conclusion

13. The objection to the Order has 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 in its current form. Solutions to address concerns regarding anti-social behaviour should look to focus on tackling the root cause, prevention, and enforcement, rather than irreversibly altering the unique form of a valuable tree.

Recommendation

To confirm Tree Preservation Order [TPO], 2018. City of Norwich Number 533; Churchyard, The Close, without modifications.

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date: 4/1/18 Surveyor: MD

Tree details
 TPO Ref (if applicable): _____ Tree Group No: T1 Species: CEDAR
 Owner (if known): CATHARAL 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 winter led to apply to severe immediate defects

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* Unsuitable

* Includes trees which are an existing or near future nuisance, including those closely outgrowing their context, or which are significantly negating the potential of other trees of better quality

Score & Notes

4

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 a 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

2

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

3 *all*

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:

19

Decision:

TPO



NORWICH
City Council

Phil Thomas
Chapter Office
65 The Close
Norwich
NR1 4DH

Please ask for:

Danni Howard
Planning technical officer
Tel: 01603 212765
Email: planning@norwich.gov.uk
Date: 15 January 2018
Our reference: 18/00533/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 533

Location: Churchyard The Close Norwich

Description: Tree Preservation Order, 2018 City of Norwich Number 533, Churchyard The Close Norwich

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

Danni Howard
Tree Protection Officer
Norwich City Council



NORWICH
City Council

Please ask for:

Danni Howard

Planning technical officer

Tel: 01603 212765

Email: planning@norwich.gov.uk

Date: 15 January 2018

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 533

ADDRESS:

Churchyard

The Close

Norwich

DESCRIPTION: Tree Preservation Order, 2018 City of Norwich Number 533, Churchyard
The Close Norwich

DATE: 15 January 2018

THIS IS A FORMAL NOTICE to let you know that on 15 January 2018, 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 15 January 2018. 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 13 February 2018 (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".

Graham Nelson
Head of Planning Services

Copies of this letter have been sent to:

Name:	Address:
Phil Thomas	Chapter Office 65 The Close Norwich NR1 4DH

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 533

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, 533
City of Norwich, Churchyard The Close Norwich

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 15 January 2018

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 style with a large initial "G".

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 Cedar	On west side of footpath adjacent Cathedral apse