

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 512; 33 Peckover Road, NR4 7BL

**Reason
for referral** Representations for and objections to confirmation of tree
preservation order 5012

4(I)

Ward:	Eaton
Case officer	Imogen Mole, Lead arboricultural officer

Proposal		
To confirm Tree Preservation Order 2016, City of Norwich Number 512, 33 Peckover Road, NR4 7BL without modifications		
Representations		
Object	Comment	Support
2	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 512 without modifications

SCHEDULE

Article 3

SPECIFICATION OF TREES

Trees specified individually
(encircled in black on the map)

Reference on Maps	Description	Situation
T1.	Oak Tree	In the front garden of 33 Peckover Road Norwich NR4 7BL Grid ref – TG - 620280 : 307121

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		

Introduction

1. The mature oak tree is situated on the roadside at the front of the property at 33 Peckover Road. It is prominent feature of the road contributing to the amenity of the area and having a positive effect on the local environment.
2. The location of the trees is shown on the attached plan.
3. The property and tree are council owned, the authority has received an application to purchase the property through the Right to Buy scheme. The tree will change hands to the owner when the process is completed.
4. Tree Preservation Order No 512 was served on the tree on the 4 July 2016 following an application to purchase the property. As described in the guidance, changes in property ownership are appropriate reasons to proactively make the Order as a precaution.

The site, surroundings and content

5. Peckover Road is predominantly residential. The visual character and feel of the road is a pleasant tree-lined street consisting of a number of street and garden trees.
6. The valuator at NPS who was responsible for assessing the property for the Right to Buy application alerted us to the mature oak tree in the garden of the property.
7. The council's arboricultural officer then 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 18 for the oak tree which indicated that a Tree Preservation Order was defensible.

8. City of Norwich, no. 512 Tree Preservation Order, 2016: 33 Peckover Road, NR4 7BL was served on the oak tree on the 4 July 2016. The Order was provisionally in effect for 6 months from the date on which it was served.
9. 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 two objections to TPO 512.

10. 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.
11. 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

12. Two letters of representation have been received in response to the serving of Order No 512. The first letter of objection to the Order was received by M. D. Fidoe of 123 Pettus Road. The second letter of objection was received from Martin Rust, 33 Peckover Road. Full details of these letters are available on request. The issues set out in the letters and the responses from the tree consultant are summarised below:

	Representation	Response
12.1	<i>Large low branches overhanging my property</i>	The TPO will not prevent appropriate management of the tree.
12.2	<i>All year round leaves, twigs and small branches fall into my garden</i>	The shedding of leaves and seeds is not considered an acceptable reason for the removal of mature trees. It is part of living with trees within urban environments and considered to be a reasonable burden upon landowners given the overriding benefit trees afford to the public and city in general.
12.3	<i>It shades the front garden in the afternoon – creating moss in the lawn</i>	Moss in lawns is not considered an acceptable reason for the removal of mature trees.
12.4	<i>Suspected damage to the property caused by the tree.</i>	There are many trees in the urban landscape that live and thrive in close proximity to built structures. Norwich does not have shrinkable clay and therefore the problems of subsidence, as experienced elsewhere, do not happen here. We advise residents that suspect damage is being caused by trees to get a structural engineers report carried out. This will ascertain the exact causes of the cracks, damp, and lifting and if proven to be the cause we will reassess the trees' suitability

	Representation	Response
		to be retained.
12.5	<i>Repeated pruning will be an ongoing expense</i>	Oak trees are slow growing; mature trees in particular can go for several years without requiring maintenance pruning.
12.6	<i>The tree is too large for the plot</i>	We do not consider this tree to be inappropriate for this location.
12.7	<i>The council has removed other oak trees in the area in the past</i>	Council managed trees are individually inspected and where appropriate worked upon. Each work recommendation is tailored to the individual tree. We will only recommend removal work to trees that are dead, dying or dangerous.
12.8	<i>The tree offers limited amenity benefits</i>	We consider this tree to have considerable amenity value. It is highly visible, good health and form for this species. We can expect this tree to make a positive contribution to the local area for a number of years.
12.9	<i>The tree sheds deadwood and this is concerning</i>	The TPO will not prevent appropriate management of the tree, an application for the removal of deadwood would be acceptable, appropriate arboricultural management of this tree.
12.10	<i>Constant sticky substance drops from the tree in summer causing damage to parked cars</i>	Sap falling from trees is not considered an acceptable reason for the removal of mature trees. It is part of living with trees within urban environments and considered to be a reasonable burden upon landowners given the overriding benefit trees afford to the public and city in general.

Main issues

Issue 1

13. The loss of a large, mature oak tree which is in good condition and visible from Peckover Road and Pettus Road would impact negatively on the amenity of the area for local residents and for future occupiers.

Issue 2

14. 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

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

Issue 4

16. 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

17. 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 sufficient amenity value to validate its continued protection by the confirming of the Tree Preservation Order.

Recommendation

18. To confirm Tree Preservation Order [TPO], 2015. City of Norwich Number 512; 33 Peckover Road, NR4 7BL 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 512 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 512, 33 Peckover Road, Norwich NR4 7BL

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

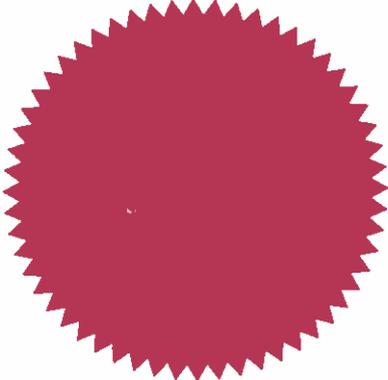
3. 1. Subject to article 4, this Order takes effect provisionally on the date on which it is made.
2. Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions 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 12th day of July
two thousand and sixteen.

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



A. Bull
.....

Authorised by the Council

SCHEDULE

Article 3

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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 512
ADDRESS: 33 Peckover Road, Norwich NR4 7BL

THIS IS A FORMAL NOTICE to let you know that on **12th 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 **12th 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 **10th 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 **12th 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: 4/7/16 Surveyor: MD

Tree details
 TPO Ref (if applicable): T1 Tree/Group No: _____ Species: OAK
 Owner (if known): _____ Location: 33 Pecover Rd.

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
SOME D/W 3

* Relates to existing context and is intended to apply to trees in residential settings

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
5

* 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 relative 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 scores) 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
5

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:
18

Decision:
TPO