

Report to Planning applications committee
14 December 2017

Item

Report of Head of planning services

Subject Tree Preservation Order [TPO], 2017. City of Norwich
Number 523; 32 Leopold Road, Norwich, NR4 7PJ.

4(b)

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

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

Proposal		
To confirm Tree Preservation Order 2017, City of Norwich Number 523, 32 Leopold Rd, Norwich, NR4 7PJ without modifications.		
Representations		
Object	Comment	Support
1	0	1

Main issues:	Key considerations:
1 Amenity	Impact on street scene. Level of amenity for residents of/visitors to the area around Leopold Rd.
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	14 December 2017
Recommendation	Confirm TPO 523 without modifications



PLANNING SERVICES

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

Date : 13/06/2017

Scale : 1:500

Drawn by : SRB



Introduction

1. The mature sycamore tree is situated on land at the rear of 32 Leopold Road, Norwich, NR4 7PJ.
2. The location of the tree is shown on the attached plan.
3. Tree Preservation Order No 523 was served on the 14 June 2017 following a request by a nearby resident who was concerned about tree work occurring in the immediate area at the time, perceiving there may be a threat to the tree.

The site, surroundings and content

4. The tree is located in the central garden area of a block of residential properties on Leopold, Melrose, Upton, and Waldeck Roads.
5. 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

6. The assessment resulted in a score of 13 for the tree, indicating that a Tree Preservation Order would be defensible. City of Norwich, no. 523 Tree Preservation Order, 2017: 32 Leopold Road, was served on 14 June 2017.
7. Tree Preservation Order No 523 is provisionally in effect from 14 June 2017, until the 14 December 2017, six 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 statement of support.
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. One objection and one statement of support were received in response to the consultation. Full details of the representations are available on request.

12. The statement of support for the TPO highlights the visual amenity value of the tree and its importance as a haven for wildlife (already threatened by the removal of nearby trees). The resident refers to the tree's contribution to the ecology of the area and their desire to ensure local wildlife is protected and the green infrastructure of all the gardens is preserved.
13. The issues set out in the objection, and the responses from the arboricultural officer are summarised below:

Representation	Response
I live in a densely populated area.	It is the view of the officer that trees located in densely populated areas are more important, hold more value, and have greater benefits to the public and wildlife, than trees situated in less populated areas. Rather than being perceived as a negative view of the order, this is seen as a positive reason to confirm the TPO.
It is a huge sycamore tree	This is a large tree. Its size, and public visibility, a relevant factor in evaluating its suitability for a TPO. Although large, the relationship between the garden of no.32 (and the surrounding gardens) and the tree, is proportionate.
These trees are considered to be weeds	An unfair description for a tree providing a wide range of values in this densely populated area. A commonly held view, cultivated due to the tree's success, and its ability to thrive in areas that do not readily support other species. Not the view of the officer.
The tree shades the garden interfering with plant growth	There are many shade-tolerant species able to thrive in such situations. Not confirming the TPO because of this, would be an unbalanced response to a common situation that effects many residents across the city.
Issue of removing thousands of seedlings every spring.	A natural occurrence, considered to be part of normal garden maintenance, and a reasonable burden given the overriding benefits the tree affords. Not confirming the TPO because of this, would be an unbalanced response to a common situation.

Main issues

Issue 1

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

Issue 2

15. 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

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

Issue 4

17. The tree enhances 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

18. 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. 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

19. To confirm Tree Preservation Order [TPO], 2017. City of Norwich Number 523; 32 Leopold Road, NR4 7PJ, without modifications.



FILE COPY

Please ask for:

Mark Dunthorne
Arboricultural Officer (TPO)
Tel: 01603 212426
Email: planning@norwich.gov.uk
Date: 14 June 2017
Our reference: 17/00523/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 523

Location: 32 Leopold Road Norwich NR4 7PJ

Description: Tree Preservation Order, 2017 City of Norwich Number 523, 32 Leopold Road Norwich NR4 7PJ

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: 14 June 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 523

ADDRESS:

32 Leopold Road
Norwich
NR4 7PJ

DESCRIPTION: Tree Preservation Order, 2017 City of Norwich Number 523, 32 Leopold Road Norwich NR4 7PJ

DATE: 14 June 2017

THIS IS A FORMAL NOTICE to let you know that on 14 June 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 14 June 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 12 July 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 "Graham Nelson". The signature is written in a cursive style with a large, prominent "G" at the beginning.

Graham Nelson
Head of Planning Services

Copies of this letter have been sent to:

Name: The Owner/Occupier	Address: 34 Leopold Road Norwich NR4 7PJ
Name: The Owner/Occupier	Address: 25 Upton Road Norwich NR4 7PB
Name: The Owner/Occupier	Address: 23 Upton Road Norwich NR4 7PB
Name: The Owner/Occupier	Address: 21 Upton Road Norwich NR4 7PB
Name: The Owner/Occupier	Address: 60 Melrose Road Norwich NR4 7PW
Name: The Owner/Occupier	Address: 62 Melrose Road Norwich NR4 7PW
Name: The Owner/Occupier	Address: 64 Melrose Road Norwich NR4 7PW
Name: The Owner/Occupier	Address: 66 Melrose Road Norwich NR4 7PW
Name: The Owner/Occupier	Address: 68 Melrose Road Norwich NR4 7PW
Name: The Owner/Occupier	Address: 70 Melrose Road Norwich NR4 7PW
Name: The Owner/Occupier	Address: 72 Melrose Road

	Norwich NR4 7PW
Name: The Owner/Occupier	Address: The Beehive Public House 30 Leopold Road Norwich NR4 7PJ
Name: The Owner/Occupier	Address: 32 Leopold Road Norwich NR4 7PJ

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.



FORM OF TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990 (as amended)

THE CITY OF NORWICH TREE PRESERVATION ORDER NUMBER 523

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, 523 City of Norwich, 32 Leopold Road Norwich NR4 7PJ

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 14 June 2017

Signed on behalf of the City Council of Norwich:

A handwritten signature in blue 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 (**encircled in black on the map**)

Reference on Maps	Description	Situation
T1	Sycamore	In rear garden

TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

SURVEY DATA SHEET & DECISION GUIDE

Date:	<u>13/6/17</u>	Surveyor:	<u>MD</u>
Tree details		Tree/Group No:	Species:
TPO Ref (if applicable):	<u>32</u>	<u>71</u>	<u>Sycamore</u>
Owner (if known):	<u>Leopold</u>	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	<u>5</u>
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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	<u>2</u>
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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
- 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
- Barely suitable
- Probably unsuitable

Score & Notes	<u>3</u>
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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
- 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	<u>1</u>
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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	<u>2</u>
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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:	<u>13</u>
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Decision:	<u>TPO.</u>
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