

**Report to** Planning applications committee  
14 December 2017

**Report of** Head of planning services

**Subject** Tree Preservation Order [TPO], 2017. City of Norwich Number 524; The Moorings, Norwich.

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

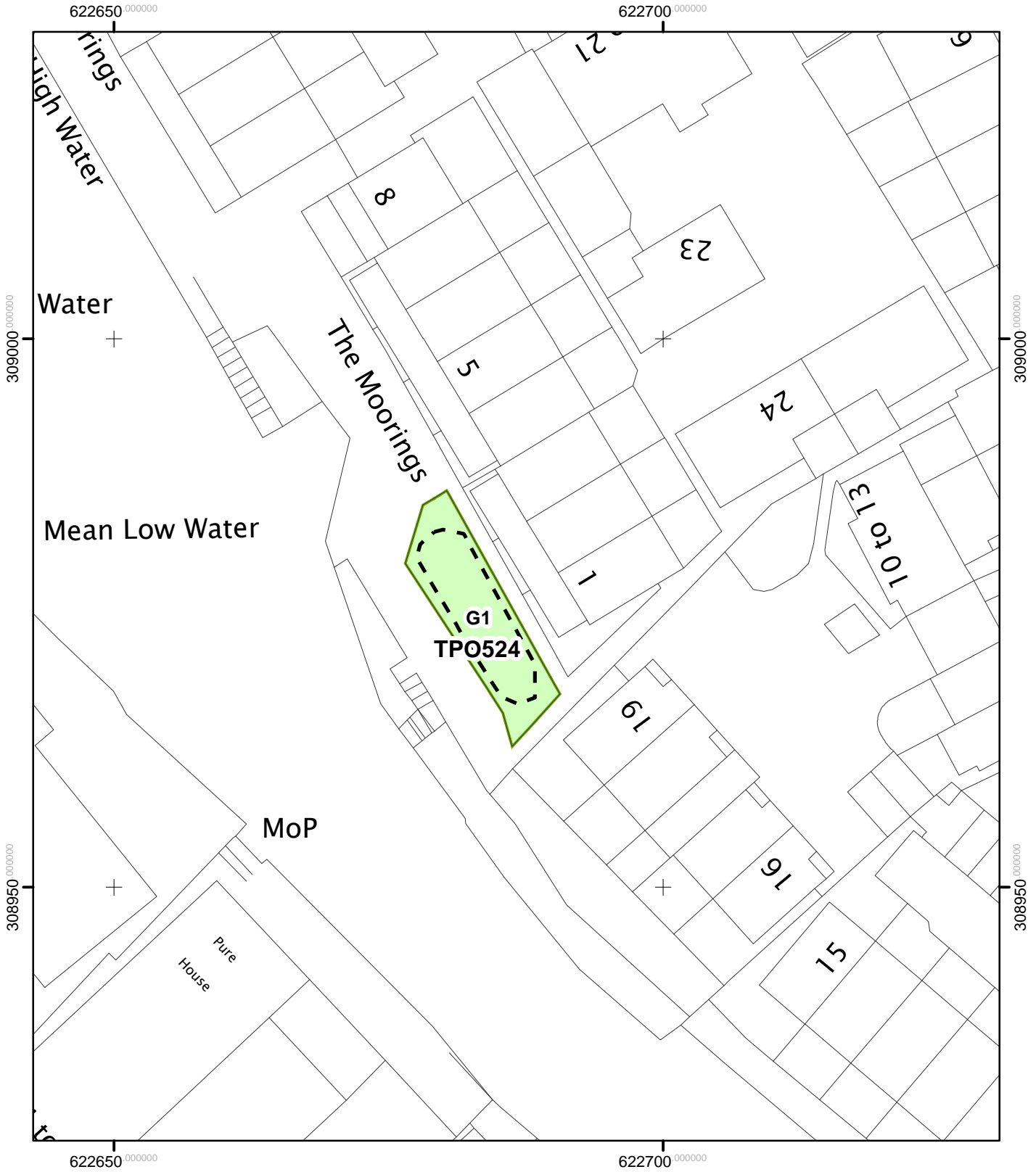
**Item**

4(c)

<b>Ward:</b>	Mancroft
<b>Case officer</b>	Mark Dunthorne, arboricultural officer – <a href="mailto:markdunthorne@norwich.gov.uk">markdunthorne@norwich.gov.uk</a>

<b>Proposal</b>		
To confirm Tree Preservation Order 2017, City of Norwich Number 524, The Moorings, Norwich, without modifications.		
<b>Representations</b>		
Object	Comment	Support
1	2	0

<b>Main issues:</b>	<b>Key considerations:</b>
1 Amenity	Impact on street scene. Level of amenity for residents and visitors to the area.
2 Climate change	Trees increase resilience to climate change
3 Air quality	Trees improve air quality
TPO Expiry date	10 January 2018
<b>Recommendation</b>	Confirm TPO 524 without modifications



**PLANNING SERVICES**

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

Date : 10/07/2017

Scale : 1:500

Drawn by : SRB



## Introduction

1. A group of three, council-maintained, mature Italian alders situated at the front of 1-3 The Moorings, Norwich.
2. The location of the trees is shown on the attached plan.
3. Tree Preservation Order No 524 was served on the 10 July 2017 following an enquiry from Councillor Herries on behalf of residents at Indigo Yard. The residents had expressed concerns regarding recent pruning work that had taken place to one of the trees in the group, saying that the work had made the tree look very strange (in comparison to the other trees), fearing that the tree had been damaged, and the effect the pruning had on the street scene.

## The site, surroundings and content

4. A residential area, the trees being located alongside a riverside pathway, accessible to the public.
5. The council's arboricultural officer visited the site and assessed the tree. The canopy of the tree had effectively been lifted by removing a large section of lower branches. The pruning cuts were considered to be of a satisfactory standard, but the extent of the work was excessive, and did not comply with industry best practice. (The work was not carried out by council contractors). Concerned that this work may set an undesirable precedent, and to discourage any further unauthorised work, consideration was given to serving a TPO. The Tree Evaluation Method for Preservation Orders (TEMPO) was used to evaluate the trees. The assessment has the following classifications:

<b>TEMPO score:</b>	<b>TEMPO Decision guide</b>
0 - 11	Does not merit a TPO
12 -15	TPO defensible
16 - 25	Definitely merits TPO

6. The assessment resulted in a score of 18 for the trees, indicating that they definitely merited a Tree Preservation Order. City of Norwich, no. 524 Tree Preservation Order, 2017: The Moorings, was served on 10th July 2017. Tree Preservation Order No 524 is provisionally in effect from 10th July 2017, until the 10 January 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 and two comments.
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 properties, on the neighbouring properties, and on interested parties.

## Representations

10. One objection was received. Comments received from two other members of the public. Full details of the representations are available on request.
11. The comments focus around the problems caused by the tree, namely falling debris, branches hitting her property, and her concerns regarding the lean of one of the trees. A resident stated that he would not be against the order, if the owners of The Moorings were allowed the ability to prune back branches.
12. These issues, and the issues set out in the objection, are summarised below. Responses are by the arboricultural officer.

Representation	Response
Falling debris, branches hitting property	Norwich City Council inspects the trees on a regular basis as part of a cyclical inspection programme of trees throughout the city. Most recent inspections were in 2014 and 2016. The 2016 inspection recognised that branches were low and close to properties, and specified lifting the crowns and pruning away from balconies to appropriate growth points. No major defects were identified. It is inevitable that some minor debris (small twigs/leaves etc) will fall from time to time, but the branches have now been pruned away from the balconies, thus reducing the issue.
Tree is leaning	Norwich City Council inspects the trees on a regular basis as part of a cyclical inspection programme of trees throughout the city. The lean is not a safety issue.
Would the owners of The Moorings be allowed the ability to prune back branches.	A TPO does not prevent work being carried out to a tree, it merely prevents inappropriate work. Consent would be granted for appropriate pruning work.
Concerns that the trees are too close to the houses. Suitability of this species in proximity to houses. A reasonable distance being 9m away (A quote from	The Leeds document is a guidance document adopted by Leeds City Council. It does not carry weight in decisions within Norwich. In any case,

Representation	Response
Leeds CC Guideline Distances from Development to Trees, 2011).	<p>many trees protected by planning conditions, Tree Preservation Orders or Conservation Area legislation exist in closer proximity to existing dwellings than recommended in the Dimensions Table. The removal of such trees will not normally be justified purely on the basis of substandard distances. Any problems in such circumstances can normally be addressed through standard arboricultural practices such as thinning or crown lifting. Serious problems of shade, ill health or evidence of structural damage would have to be apparent to override the normal presumption in favour of the retention of such trees for visual amenity or other reasons. (Quote from Leeds CC Guideline Distances from Development to Trees, 2011).</p>
Bird droppings are a hygiene problem.	<p>We do not prune or remove trees to deal with:</p> <ul style="list-style-type: none"> <li>• Leaf and fruit fall from a tree onto a property or highway</li> <li>• Bird noise and droppings as this is a natural occurrence</li> <li>• Pollen, sap and insect excretions</li> <li>• Reduced daylight entering a property</li> <li>• Branches overhanging a property boundary</li> <li>• Poor television reception</li> <li>• Interference with telephone cables</li> </ul> <p>(Extract from Norwich City Council)</p>
Root growth could be an issue.	<p>No supporting evidence of any damage to buildings or drains has been supplied.</p>

## **Main issues**

### **Issue 1**

13. The threat to, and potential loss of, mature, healthy trees, which are in good condition and which contribute significantly to the area. TPO status will help to ensure their future retention for the benefit of the vicinity.

### **Issue 2**

14. The potential damage to/loss of, these trees, would contribute to the impacts of climate change. Through photosynthesis trees naturally absorb CO<sub>2</sub> 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. These trees have a positive effect on air quality by cutting levels of airborne particulates and removing air pollutants.

## **Conclusion**

16. The objection and comments regarding the Order have been taken note of, and whilst officers appreciate the concerns raised, it is their opinion that the trees should be protected to ensure future retention. They make a positive contribution to the amenity of the area, and have sufficient value to validate their continued protection by confirming the Tree Preservation Order.

## **Recommendation**

17. To confirm Tree Preservation Order [TPO], 2017. City of Norwich Number 524; The Moorings, without modifications.



**Please ask for:**

6 Interested Parties as Listed

Mark Dunthorne  
Arboricultural Officer (TPO)  
Tel: 01603 212426  
Email: [planning@norwich.gov.uk](mailto:planning@norwich.gov.uk)  
Date: 10 July 2017  
Our reference: 17/00524/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 524**

**Location: The Moorings Norwich**

**Description: Tree Preservation Order, 2017 City of Norwich Number 524, The Moorings 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](mailto: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](mailto:planning@norwich.gov.uk)  
Date: 10 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 524**

**ADDRESS:**

The Moorings  
Norwich

**DESCRIPTION:** Tree Preservation Order, 2017 City of Norwich Number 524, The Moorings  
Norwich

**DATE:** 10 July 2017

**THIS IS A FORMAL NOTICE** to let you know that on 10 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 10 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 8 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 clear surname "Nelson".

**Graham Nelson**  
Head of Planning Services

Copies of this letter have been sent to:

<b>Name:</b> The Owner/Occupier	<b>Address:</b> 4 The Moorings Norwich NR3 3AX
<b>Name:</b> The Owner/Occupier	<b>Address:</b> 3 The Moorings Norwich NR3 3AX
<b>Name:</b> The Owner/Occupier	<b>Address:</b> 2 The Moorings Norwich NR3 3AX
<b>Name:</b> The Owner/Occupier	<b>Address:</b> 1 The Moorings Norwich NR3 3AX
<b>Name:</b> The Owner/Occupier	<b>Address:</b> 19 Indigo Yard Norwich NR3 3QZ
<b>Name:</b> Cllr Christine Herries	<b>Address:</b> Norwich City Council City Hall St Peters Street Norwich NR2 1NH

**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 524**

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, 524  
City of Norwich, The Moorings 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 10 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

Groups of Trees (GROUP)  
**(within a broken black line on the map)**

Reference on Map	Description	Situation
<b>G1</b>	<b>3 x Italian Alder</b>	<b>Located in front of 1-3 The Moorings.</b>

# TREE EVALUATION METHOD FOR PRESERVATION ORDERS - TEMPO

## SURVEY DATA SHEET & DECISION GUIDE

Date: 14 JUNE '17 Surveyor: MD THE MORNINGS

Tree details  
 TPO Ref (if applicable): ✓ Tree/Group No: 61 Species: AGNUS CALDATA  
 Owner (if known): ✓ Location: 61

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 is intended to apply to severe irremediable 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\* Unsuitable

\* 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

Score & Notes

2

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

4

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

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

3

### 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